

# **AGENDA ATTACHMENTS**

19<sup>TH</sup> JANUARY 2021

ORDINARY COUNCIL MEETING

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# Central Highlands Council

## AGENDA – ORDINARY MEETING – 8<sup>TH</sup> DECEMBER 2020

**Draft Minutes of an Open Ordinary Meeting of Central Highlands Council held at Bothwell Hall, on Tuesday 8<sup>th</sup> December 2020, commencing at 9am.**

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Mayor L Triffitt opened the meeting at 9.00am.

### 2.0 ACKNOWLEDGEMENT OF COUNTRY

### 3.0 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner, Cllr J Poore, Mrs Lyn Eyles (General Manager), Mr Adam Wilson (Deputy General Manager) and Mrs Katrina Brazendale (Minutes Secretary).

### 4.0 APOLOGIES

### 5.0 PECUNIARY INTEREST DECLARATIONS

*The following declaration was recorded:*

Cllr J Poore and Deputy General Manager Adam Wilson – Item 17.10 Proposed Junior Golf Sessions  
Cllr R Cassidy – Item 15.4 Dog Management Policy

### 6.0 CLOSED SESSION OF THE MEETING

Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority

**Moved:** Cllr J Honner

**Seconded:** Cllr R Cassidy

**THAT** pursuant to *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, Council, by absolute majority, close the meeting to the public to consider the following matters in Closed Session

Item Number	Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i>
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 17 November 2020	Regulation 15 (2)(g) - information of a personal and confidential nature or information provided to the council on the condition it is kept confidential



2	General Manager's Report	Regulation 15 (2)(i) - matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council
3	Tenders CHC 09-20	Regulation 15 (2)(d) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
4	Confidential Correspondence	Regulation 15 (2)(g) information of a personal and confidential nature or information provided to the council on the condition that it is kept confidential
5	Confidential Item	Regulation 15 (2)(g) information of a personal and confidential nature or information provided to the council on the condition that it is kept confidential
6	Consideration of Matters for Disclosure to the Public	Regulation 15 (8) - While in a closed meeting, the Council, or Council Committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues

## 6.1 MOTION OUT OF CLOSED SESSION

**Moved:** Cllr J Honner

**Seconded:** Cllr A W Bailey

**THAT** the Council:

- (1) Having met and dealt with its business formally move out of the closed session; and
- (2) Resolved to report that it has determined the following:

Item Number	Matter	Outcome
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 17 November 2020	Minutes of the Closed Session of the Ordinary Meeting of Council held on 17 November 2020 were confirmed
2	General Manager's Report	The report and attached legal advice provided by the General Manager was received and noted; and Council endorsed the actions taken by the Mayor and General Manager
3	Tenders CHC 09-20	Council accepted the tender from the tenderer scoring the highest in terms of the price and functionality point system
4	Confidential Correspondence	Council resolved not to participate in the offer
5	Confidential Item	Matter was discussed
6	Consideration of Matters for Disclosure to the Public	Matters were considered

## OPEN MEETING TO PUBLIC

The following were in attendance when the meeting resumed

Marc Edwards, Damian Mackey (Planning Consultant SMC), Andrew Bullock (Bullock Civil Contracting) and Tori Stevens (Bullock Civil Contracting).

## 7.0 DEPUTATIONS

10.00 – 10.15 Allan Matcham, Andrew Dean & Kristy Mayne, due to the meeting resuming behind schedule the deputation will be put forward for the January 2021 Ordinary Meeting

## 7.1 PUBLIC QUESTION TIME

Andrew Bullock and Tori Stevens (Bullock Civil Contracting) wanted to address an issue with the Councillors at the meeting, Andrew was advised that the item had been discussed during closed session and if he wished to raise concerns it should be discussed and an appointment made under deputations.

The meeting was suspended at 11.35 a.m. for the Mayor to receive legal advice and resumed at 11.41 a.m.

The Mayor apologised for the delay, questions can be raised and complaints need to be put in writing.

## 8.0 MAYORAL COMMITMENTS

12 November 2020	Business of Council
13 November 2020	Business of Council, Telephone meeting with DPAC, Meeting with Councillor
15 November 2020	CWA Park Event, meeting with Craig Farrell MLC
16 November 2020	Meeting with Councillors x 3, Meeting with General Manager, Meeting with Church, Senator Clair Sandler
17 November 2020	Council Meeting, Meeting with Councillors x 2, Meeting with ratepayer x 2, Teleconference with General Manager
18 November 2020	Business of Council, Meeting with General Manager
19 November 2020	Business of Council
21 November 2020	Business of Council, Meeting with Councillor
23 November 2020	STCA Meeting, Southern Mayors round table meeting
24 November 2020	Business of Council, Opening of Tenders
26 November 2020	Trout Guides and Lodges Inc Meeting
27 November 2020	Telephone conference with Local Government Division, Meeting with Councillor
30 November 2020	Business of Council, Australia Day Meeting
1 November 2020	Bothwell District High School Assembly
2 November 2020	Business of Council

## 8.1 COUNCILLOR COMMITMENTS

### *Clr J Honner*

17 November 2020	Ordinary Council Meeting
26 November 2020	Workshop Trout Guides
27 November 2020	Tele meeting with Mayor
1 December 2020	Bothwell District High School Assembly

## STATUS REPORT COUNCILLORS

Item No.	Meeting Date	Agenda Item	Task	Councillor Responsible	Current Status	Completed Date
1	18-Feb-20	12.1	Derwent Catchment Project - Strategic Plan for the development of Agriculture and Tourism	Deputy Mayor Allwright	On going to provide Council with updates each Council meeting	
2	18-Feb-20	16.3	AFLT Statewide Facilities Plan	Deputy Mayor Allwright	On going to provide Council with updates each Council meeting	
3	18-Feb-20	16.5	Cattle Hill Wind Farm Community Fund Committee	Mayor Triffitt, Clr Campbell & Clr Honner	On going to provide Council with updates each Council meeting	

Marc Edwards left the meeting at 11.44 a.m.

## 8.2 GENERAL MANAGER'S COMMITMENTS

17 November 2020	Council Meeting
18 November 2020	TasNetworks
18 November 2020	Teleconference Page Seager
23 November 2020	STCA Meeting
24 November 2020	MAV Webinar
26 November 2020	Meeting TGALT
30 November 2020	Audit Panel Meeting

## 8.3 DEPUTY GENERAL MANAGER'S COMMITMENTS

17 November 2020	Ordinary Council Meeting
18 November 2020	Meeting with TasNetworks
19 November 2020	Workforce Development Project
24 November 2020	LGAT Health Intelligence Phase 1 Workshop
25 November 2020	Central Highlands Council Committee Meeting
27 November 2020	Premier's Economic and Social Recovery Advisory Council Regional Workshop - South
30 November 2020	Audit Panel Meeting
1 December 2020	Valuer-General Tender Committee Meeting
2 December 2020	South Regional Emergency Management Recovery Coordinators Meeting
2 December 2020	Municipal Recovery Coordinators Meetings
3 December 2020	Highlands Healthy Connect - Volunteering Tasmania recruitment workshop

Andrew Bullock and Tori Stevens (Bullock Civil Contracting), along with Graham Rogers (Manager Development Services) left the meeting at 11.45 a.m.

Graham Rogers (Manager Development Services) returned to the meeting at 11.46 a.m.

## 9.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

Thursday 26 November 2020 - Bothwell Town Hall - Meeting with Trout Guides and Lodges Tasmania

## 9.1 FUTURE WORKSHOPS

## 10.0 MAYORAL ANNOUNCEMENTS

## 11.0 MINUTES

### 11.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

**Moved:** Clr J Honner

**Seconded:** Clr A W Bailey

**THAT** the Draft Minutes of the Open Council Meeting of Council held on Tuesday 17<sup>th</sup> November 2020 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 11.2 CONFIRMATION OF MINUTES ORDINARY MEETING

**Moved:** Cllr S Bowden

**Seconded:** Deputy Mayor J Allwright

**THAT** the Minutes of the Open Council Meeting of Council held on Tuesday 17<sup>th</sup> November 2020 be confirmed.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

## 11.3 RECEIVAL DRAFT MINUTES OF AUSTRALIA DAY COMMITTEE MEETING

**Moved:** Cllr A Campbell

**Seconded:** Cllr A W Bailey

**THAT** the Draft Minutes of the Australia Day Committee Meeting held on Monday 30<sup>th</sup> November 2020 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

## 11.4 RECEIVAL DRAFT MINUTES OF AUDIT PANEL MEETING

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cllr J Poore

**THAT** the Draft Minutes of the Audit Panel Meeting held on Monday 30<sup>th</sup> November 2020 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

## 12.0 BUSINESS ARISING

- 15.1 Correspondence sent by Development & Environmental Services Manager
- 16.1 Correspondence sent by General Manager
- 16.4 Correspondence sent by Works Manager
- 17.1 Correspondence sent by Deputy General Manager
- 17.2 Council policy on council website
- 17.3 Correspondence sent by Deputy General Manager
- 18.2 Correspondence sent by Deputy General Manager

## 13.0 DERWENT CATCHMENT PROJECT REPORT

**Moved:** Cllr J Honner

**Seconded:** Deputy Mayor J Allwright

**THAT** the Derwent Catchment Project report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

## 14.0 FINANCE REPORT

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** the Finance Reports be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 15.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**Moved:** Clr J Honner

**Seconded:** Clr A W Bailey

**THAT** the Development & Environmental Services Report be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 15.1 DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE – DRAFT LAKE MEADOWBANK SPECIFIC AREA PLAN - RESPONSE TO THE TASMANIAN PLANNING COMMISSION.

**Moved:** Clr R Cassidy

**Seconded:** Clr J Honner

**THAT** Council:

- A. Endorse the policies underpinning the Lake Meadowbank Specific Area Plan as set out above in this report.
- B. Endorse the Lake Meadowbank Specific Area Plan 29 November Redraft contained in Attachment A of this report; subject to the amendment on item CHI-S1.5 Use Table Resource Processing in removing the qualification

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## ATTACHMENT A

### Lake Meadowbank Specific Area Plan – 29 November 2020 Redraft

#### CHI-S1.0 Lake Meadowbank Specific Area Plan

### CHI-S1.1 Plan Purpose

The purpose of the Lake Meadowbank Specific Area Plan is:

- CHI-S1.1.1 To recognise Lake Meadowbank as the premier water-skiing facility in the State and to support associated use and development whilst managing other use and development to minimise conflict between activities.
- CHI-S1.1.2 To encourage the use and development of Lake Meadowbank and the adjoining land for tourism, recreational and visitor accommodation purposes whilst maintaining and enhancing the natural, cultural and landscape values of the area.
- CHI-S1.1.3 To recognise and protect the operational requirements of Hydro Tasmania.
- CHI-S1.1.4 To recognise and protect Aboriginal heritage values.
- CHI-S1.1.5 To encourage co-ownership and sharing of aquatic structures such as boat ramps, jetties, pontoons and water-based sports infrastructure.
- CHI-S1.1.6 To protect the landscape of the lake foreshore area, being that within 100m of full supply level, from becoming over-crowded with buildings for Visitor Accommodation.
- CHI-S1.1.7 To encourage orderly and strategic development of Visitor Accommodation, particularly camping and caravan parks and overnight camping areas
- CHI-S1.1.8 To allow for a continuation of agriculture and Resource Development and for Resource Processing compatible with the recreation-tourism focus of the area.

### CHI-S1.2 Application of this Plan

- CHI-S1.2.1 The specific area plan applies to the area of land designated as Lake Meadowbank Specific Area Plan on the overlay maps.
- CHI-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of:
  - (a) Rural Zone;
  - (b) Agriculture Zone; and
  - (c) Environmental Management Zone,
 as specified in the relevant provision.
- CHI-S1.2.3 The planning authority must notify Aboriginal Heritage Tasmania of any application involving buildings or works at the same time and in the same manner as if the application is for a permit under Section 57 of the Land Use Planning and Approvals Act 1993
- CHI-S1.2.4 The Planning Authority must not determine the application until 14 days from the date of notification to Aboriginal Heritage Tasmania, or until after Aboriginal Heritage Tasmania has provided advice, whichever occurs first.
- CHI-S1.2.5 The planning authority must notify Hydro Tasmania of any application involving buildings or works within 20m of the full supply level at the same time and in the same manner as if the application is for a permit under Section 57 of the Land Use Planning and Approvals Act 1993

CHI-S1.2.6 The Planning Authority must not determine the application until 14 days from the date of notification to Hydro Tasmania, or until after Hydro Tasmania has provided advice, whichever occurs first.

### CHI-S1.3 Local Area Objectives

There are no Local Area Objectives.

### CHI-S1.4 Definition of Terms

CHI-S1.4.1 In this specific area plan, unless the contrary intention appears:

Terms	Definition
aquatic structure	means boat ramp, jetty, pontoon and water-based sports infrastructure.
full supply level	means the level of the lake at which it is at its maximum operational level, as determined by Hydro Tasmania. The supply level is 73.15m above sea level.
MAST	means Marine and Safety Tasmania, or its successor
maximum flood level	means the maximum flood level is 79m above sea level, based on the 1:10,000 year flood.
master development plan	<p>means a site-specific master plan including maps, diagrams and written documentation demonstrating, to the satisfaction of the planning authority:</p> <ul style="list-style-type: none"> <li>(a) the concept design and location of all buildings and associated works, including vehicular access and parking;</li> <li>(b) the concept design and location of any facilities used in association with Visitor Accommodation;</li> <li>(c) access points to the public road network, internal roads and parking areas;</li> <li>(d) the location of any existing or proposed aquatic structures on the foreshore or on Lake Meadowbank;</li> <li>(e) landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</li> <li>(f) how the development maintains and enhances the natural, cultural and landscape values of the area and complies with the plan purpose statements;</li> </ul>

	(g) an operational plan including: <ul style="list-style-type: none"> <li>(i) waste management;</li> <li>(ii) complaint management;</li> <li>(iii) noise management; and</li> </ul> (h) any staging of operations or development including estimated timeframes.
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### CHI-S1.5 Use Table

This clause is in substitution for Rural Zone – clause 20.2 Use Table and Agriculture Zone – clause 21.2 Use Table.

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
<b>Permitted</b>	
Resource Development	If for an agricultural use, excluding controlled environment agriculture, tree farming and plantation forestry.
Utilities	If for: <ul style="list-style-type: none"> <li>(a) electricity generation;</li> <li>(b) collecting, treating, transmitting, storing or distributing water;</li> <li>(c) electrical sub-station or powerline;</li> <li>(d) pumping station; or</li> <li>(e) storm or flood water drain, water storage dam and weir.</li> </ul>
Residential	If for: <ul style="list-style-type: none"> <li>(a) a home-based business in an existing dwelling; or</li> <li>(b) alterations or extensions to an existing dwelling.</li> </ul>
<b>Discretionary</b>	
Community Meeting and Entertainment	



Food Services	
Pleasure Boat Facility	If for a boat ramp, jetty, pontoon. If not for a marina.
Research and Development	
Residential	If for: (a) a single dwelling; or (b) a home-based business; and (c) not listed as Permitted.
Resource Development	If not listed as Permitted.
Resource Processing	
Sport and Recreation	
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	If for a holiday cabin, backpackers hostel, bed and breakfast, camping and caravan park, or overnight camping area.
<b>Prohibited</b>	
All other uses	

## CHI-S1.6 Use Standards

### CHI-S1.6.1 Discretionary use

This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary use, Agriculture Zone – clause 21.3.1 Discretionary use and are in addition to Environmental Management Zone – clause 23.3.1 Discretionary use

<b>Objective:</b>	That uses listed as Discretionary recognise and are compatible with the natural, cultural and landscape values of Lake Meadowbank together with the plan purpose statements.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	

<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>A use listed as Discretionary must be consistent with the natural, cultural and landscape values of Lake Meadowbank together with the plan purpose statements, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the significance of the natural, cultural, and landscape values;</li> <li>(b) the protection, conservation and management of the values;</li> <li>(c) the location, intensity and scale of the use and impacts on existing use and other lake activities;</li> <li>(d) the characteristics and type of use;</li> <li>(e) impact of traffic generation and parking requirements;</li> <li>(f) any emissions and waste produced by the use;</li> <li>(g) the storage and holding of goods, materials and waste; and</li> <li>(h) the proximity of sensitive uses.</li> </ul>
<p><b>A2</b></p> <p>No Acceptable Solution.</p>	<p><b>P2</b></p> <p>A use listed as Discretionary must not confine or restrain existing agricultural use on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the proposed use;</li> <li>(b) the nature, scale and intensity of the use;</li> <li>(c) the likelihood and nature of any adverse impacts on adjoining uses; and</li> <li>(d) any off site impacts from adjoining uses.</li> </ul>

#### CHI-S1.6.2 Visitor Accommodation

This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary use Agriculture Zone – clause 21.3.1 Discretionary use and are in addition to Environmental Management Zone – clause 23.3.1 Discretionary use.

<p><b>Objective:</b></p>	<p>Visitor Accommodation does not cause an unreasonable loss of amenity or impact on the natural, cultural or landscape values of the area.</p>
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Acceptable Solutions	Performance Criteria
<b>A1</b> Visitor Accommodation, excluding camping and caravan park and overnight camping area, must: <ul style="list-style-type: none"> <li>(a) have not more than 1 holiday cabin per title; or</li> <li>(b) accommodate guests in existing buildings.</li> </ul>	<b>P1</b> Visitor Accommodation, excluding camping and caravan park and overnight camping area, must be in accordance with a master development plan
<b>A2</b> Camping and caravan parks and overnight camping areas must have no more than 5 campsites or caravan park sites per title.	<b>P2</b> Camping and caravan parks and overnight camping areas with 6 or more campsites and/or caravan sites must be in accordance with a master development plan.

## CHI-S1.7 Development Standards for Buildings and Works

### CHI-S1.7.1 Building height

This clause is in substitution for Rural Zone – clause 20.4.1 Building height; Agriculture Zone – clause 21.4.1 Building height; and Environmental Management Zone – clause 23.4.2 Building height, setback and siting A1 and P1.

<b>Objective:</b>	That buildings height is compatible with the natural, cultural and landscape values of the area and protects the visual and visitor accommodation amenity of adjoining properties.	
Acceptable Solutions	Performance Criteria	
<b>A1</b> Building height must be not more than: <ul style="list-style-type: none"> <li>(a) 4m for a camping &amp; caravan park or overnight camping area;</li> <li>(b) 5m for any Tourist Operation or Visitor Accommodation excluding a camping and caravan park or overnight camping area;</li> <li>(c) 5m for an outbuilding; and</li> <li>(d) 8m for any other building and works.</li> </ul>	<b>P1</b> Building height must be compatible with the landscape values of the area, having regard to: <ul style="list-style-type: none"> <li>(a) the height, bulk and form of proposed buildings;</li> <li>(b) the height, bulk and form of adjacent existing buildings;</li> <li>(c) the topography of the site;</li> <li>(d) the visual impact of the buildings when viewed from Lake Meadowbank, its</li> </ul>	

	foreshore or public places; and (e) the landscape values of the surrounding area.
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## CHI-S1.7.2 Setbacks and Siting

This clause is in substitution for Rural Zone – clause 20.4.2 Setbacks and Agriculture Zone – clause 21.4.2 Setbacks.

<b>Objective:</b>	That building setback and siting is compatible with the natural, cultural and landscape values of the area and protects the visual and visitor accommodation amenity of adjoining properties	
Acceptable Solutions		Performance Criteria
<b>A1</b> Buildings and works, excluding for a camping and caravan park or overnight camping area, must have a setback not less than 100m from full supply level. (a) .		<b>P1</b> Buildings and works, excluding for a camping & caravan park or overnight camping area, must have a setback not less than 40m from full supply level and must be compatible with the natural, cultural and landscape values of the area and protect the amenity of the adjoining properties having regard to: (a) the visual amenity of the rural setting when viewed from adjoining properties, or from Lake Meadowbank, its foreshore or public places; and (b) impacts of any stormwater discharge directly into Lake Meadowbank.
<b>A2</b> Buildings must have a setback from all boundaries of not less than 20m.		<b>P2</b> Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to: (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk, and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; (f) the appearance when viewed from adjacent

	<p>property;</p> <p>(g) the landscape values of the area; and</p> <p>(h) the plan purpose statements.</p>
<p><b>A3</b></p> <p>Buildings and works for a camping and caravan park or overnight camping area must have a setback not less than 40m from full supply level.</p>	<p><b>P3</b></p> <p>Buildings and works for a camping and caravan park or overnight camping area must have a setback not less than 20m from full supply level, only if compliance with the Acceptable Solution cannot reasonably be achieved due to site constraints.</p>
<p><b>A4</b></p> <p>Individual campsites or caravan park sites must be no more than a gross floor area of 50m<sup>2</sup>.</p>	<p><b>P4</b></p> <p>No performance criteria</p>
<p><b>A5</b></p> <p>Buildings for a sensitive use must be separated from the boundary of an adjoining property outside the Specific Area Plan in the Rural Zone or Agriculture Zone a distance of:</p> <p>(a) not less than 200m; or</p> <p>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p><b>P5</b></p> <p>Buildings for a sensitive use must be sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone outside the Specific Area Plan, having regard to:</p> <p>(a) the size, shape and topography of the site;</p> <p>(b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the existing and potential use of land in the adjoining zones;</p> <p>(d) any buffers created by natural or other features; and</p> <p>(e) any proposed attenuation measures.</p>

### CHI-S1.7.3 Access

This clause is in substitution for Rural Zone – clause 20.4.3 Access for new dwellings and Agriculture Zone clause 21.4.3 Access for new dwellings.

<b>Objective:</b>	That safe and practicable vehicular access is provided with minimal impact on the surrounding natural, scenic and cultural values.
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Acceptable Solutions	Performance Criteria
<b>A1</b> Vehicular access is provided using existing vehicular tracks and internal roads.	<b>P1</b> The design, construction and location of vehicular access must have minimal impact on the surrounding natural, scenic and cultural values, having regard to: <ul style="list-style-type: none"> <li>(a) providing safe connections from existing road infrastructure;</li> <li>(b) minimising the total number of new roads and tracks within the Lake Meadowbank Specific Area Plan area;</li> <li>(c) being appropriate to the setting, and not substantially detracting from the rural character of the area;</li> <li>(d) avoiding impacts from dust, run-off and noise to other land users; and</li> <li>(e) consolidating and sharing vehicular access wherever practicable.</li> </ul>

#### CHI-S1.7.4 Landscape Protection

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works; Agriculture Zone – clause 21.4 Development Standards for Buildings and Works.

<b>Objective:</b>	That buildings and works are compatible with the landscape values of the site and surrounding area and managed to minimise adverse impacts.	
Acceptable Solutions	Performance Criteria	
<b>A1</b> Buildings and works must: <ul style="list-style-type: none"> <li>(a) be located within a building area, if shown on a sealed plan; or</li> <li>(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and</li> <li>(c) not include cut and fill greater than 1m; and</li> <li>(d) be on a site not requiring the clearing of</li> </ul>	<b>P1.1</b> Buildings and works must be located to minimise impacts on landscape values, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size and shape of the site;</li> <li>(c) the proposed building height, size and bulk;</li> <li>(d) any constraints imposed by existing development;</li> </ul>	

<p>native vegetation; and</p> <p>(e) be not less than 10m in elevation below a skyline or ridgeline.</p>	<p>(e) visual impact when viewed from roads and public places; and</p> <p>(f) any screening vegetation, and</p> <p><b>P1.2</b></p> <p>be located in an area requiring the clearing of native vegetation only if</p> <p>(a) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; and</p> <p>(b) the extent of clearing is the minimum necessary to meet the requirements of the Bushfire-Prone Areas Code.</p>
<p><b>A2</b></p> <p>Buildings and works for a camping and caravan park or overnight camping ground must be of a temporary nature, such as not having footings and with the capacity to be easily removed from the site.</p>	<p><b>P2</b></p> <p>Buildings and works for a camping and caravan park or overnight camping ground of a permanent nature must be for one or more of the following purposes:</p> <p>(a) a communal toilet/shower/laundry facility;</p> <p>(b) storage;</p> <p>(c) a site office or reception building.</p>
<p><b>A3</b></p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<p><b>P3</b></p> <p>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</p> <p>(a) the appearance of the building when viewed from roads or public places in the surrounding area;</p> <p>(b) any screening vegetation; and</p> <p>(c) the nature of the exterior finishes.</p>

CHI-S1.7.4 Aquatic structures

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

<b>Objective:</b>	That permanent aquatic structures such as pontoons, boat ramps and jetties on Lake Meadowbank or its foreshore are only constructed as necessary and are safe, functional, and do not detract from the natural, cultural and landscape values of the area or impede recreational use or the operational needs of Hydro Tasmania.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> An aquatic structure is: <ul style="list-style-type: none"> <li>(a) for the replacement of an existing structure;</li> <li>(b) provided by or on behalf of the Crown, council or a State Authority; and</li> <li>(c) the rationalisation of two or more structures on Lake Meadowbank or its foreshore.</li> </ul>		<b>P1</b> Aquatic structures must avoid adverse impacts on the natural, cultural and landscape values of Lake Meadowbank and only be constructed as necessary and safe having regard to: <ul style="list-style-type: none"> <li>(a) the advice and operational needs of Hydro Tasmania;</li> <li>(b) rationalising existing aquatic structures as far as practicable;</li> <li>(c) avoiding the proliferation of aquatic structures in the immediate vicinity;</li> <li>(d) the demonstrated need for the aquatic structure; and</li> <li>(e) the plan purpose statements.</li> </ul>

#### CHI-S1.7.5 Aboriginal Heritage

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

<b>Objective:</b>	That Aboriginal heritage is not inappropriately disturbed and	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> Buildings and works must be accepted by		<b>P1</b> Buildings and works must not inappropriately



Aboriginal Heritage Tasmania.	disturb Aboriginal heritage having regard to any advice received from Aboriginal Heritage Tasmania.
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#### CHI-S1.7.6 Protection of Lake Operation

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

<b>Objective:</b>	That the operation of the lake for hydro-electric power generation and as a major source of potable water or greater Hobart is not compromised.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> Buildings or works within 20m of the maximum flood level must be accepted by Hydro Tasmania		<b>P1</b> Buildings and works within 20m of the maximum flood level must not hinder the operation of the lake for hydro-electric generation purposes having regard to any advice received from Hydro Tasmania.

#### CHI-S1.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

#### CHI-S1.9 Tables

This sub-clause is not used in this specific area plan.

## 15.2 DRAFT PLANNING SCHEME AMENDMENT (RZ2020/02) FOR BUSHFIRE PRONE AREAS OVERLAY

**Moved:** Clr A Archer

**Seconded:** Clr R Cassidy

**THAT**, Central Highlands Council don't support the amendment of the Draft Planning Scheme to do these overlays, further works with the Fire Service is required to remove the abnormalities.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Damian Mackey (Planning Consultant SMC) left the meeting at 12.43 p.m.*

## 15.3 DRAFT - TWWHA BIOSECURITY STRATEGY 2021-2031

**Moved:** Clr R Cassidy

**Seconded:** Clr J Honner

**THAT** comments on the *TWWHA Biosecurity Strategy 2021-2031* be forwarded to the Manager DES by close of business on Tuesday 22 December 2020.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Clr J Poore left the meeting at 12.45 p.m. Clr R Cassidy left the meeting at 12.46 p.m.*

*Clr J Poore returned to the meeting at 12.47 p.m.*

## 15.4 DOG MANAGEMENT POLICY

**Moved:** Clr A Archer

**Seconded:** Clr S Bowden

**THAT** Council adopt the Dog Management Policy 2020; subject to discussed amendments

**MOST LOST 4/4**

**FOR the Motion:**

Deputy Mayor J Allwright, Clr A Archer, Clr S Bowden, and Clr J Poore.

**AGAINST the Motion:**

Clr J Honner, Clr A W Bailey Clr A Campbell and Mayor L Triffitt,

**Moved:** Clr J Honner

**Seconded:** Clr A W Bailey

**THAT** Council adopt the Dog Management Policy 2020.

**CARRIED 6/2**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr A Campbell, Clr J Honner and Clr J Poore.

**AGAINST the Motion:**

Clr A Archer and Clr S Bowden

Clr R Cassidy returned to the meeting at 12.54 p.m.

## 15.5 DES BRIEFING REPORT

### PLANNING PERMITS ISSUED UNDER DELEGATION

The following planning permits have been issued under delegation during the past month.

#### NO PERMIT REQUIRED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2020 / 00077	E Cameron	1 Wilkies Court, Doctors Point	Outbuilding (Shipping Container) & Deck

#### DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2020 / 00074	C Williams	485 Rockmount Road, Ellendale	Pontoon and Deck

## ANIMAL CONTROL

### IMPOUNDED DOGS

No dogs have been impounded over the past month.

### STATISTICS AS OF 02 DECEMBER 2020

#### **Registrations**

Number of Dogs Registered –943

Number of Dogs Pending Re-Registration – 5

#### **Kennel Licences**

Number of Licences Issued –29

Number of Licences Pending – 0

*The meeting was suspended for lunch at 12.58 p.m. and will resume at 1.30 p.m.*

*The meeting resumed at 1.32 p.m Jason Branch (Manager Works and Service) was in attendance when the meeting resumed.*

## 16.0 WORKS & SERVICES

**Moved:** Clr J Honner

**Seconded:** Clr A Campbell

**THAT** the Works & Services Report be received.

**CARRIED**

#### **FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Jason Branch (Manager Works and Service) was presented with a certificate from Keep Australia Beautiful – honouring his act of kindness for planting trees around Bothwell area.*

## 16.1 MOBILE WOOD CHIPPER

**Moved:** Clr R Cassidy

**Seconded:** Clr A W Bailey

**THAT** the Manager of Works of Services presents types, makes and models with prices for consideration at Councils first budget work shop, including any modifications to the trucks.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.0 ADMINISTRATION

*Jason Branch (Manager Works and Service) left the meeting at 1.40 p.m.*

## 17.1 MOTIONS FROM AUDIT PANEL

**Moved:** Clr R Cassidy

**Seconded:** Deputy Mayor J Allwright

**THAT** the information is noted and that Council engage an external source to conduct the internal review on an annual basis and that the initial review be used as a benchmark to report against for future annual reviews.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.2 POLICY NO. 2016 - 44 – PURCHASING AND PAYMENTS CONTROL POLICY

**Moved:** Clr J Honner

**Seconded:** Clr A Campbell

**THAT** Council approve Policy No. 2016 - 44 – Purchasing and Payments Control Policy.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.3 TASMANIAN TRAVELWAYS MAGAZINE

**Moved:** Clr A Campbell

**Seconded:** Clr R Cassidy

**THAT** the Deputy General Manager undertake advertising in the Tasmanian Travelway's Magazine, being a full page including artwork and ensuring that the map is legible.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

**Moved:** Clr A Campbell

**Seconded:** Clr R Cassidy

**THAT** Council remove and replace sign of the Ross Bridge at the entrance of the Bothwell Township to be tabled for costs and a replacement photo at the next council meeting.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.4 SOUTHERN PROSPECTUS – OFFICE OF THE COORDINATOR-GENERAL

**Moved:** Clr R Cassidy

**Seconded:** Clr A W Bailey

**THAT** Deputy Mayor J Allwright, provide comment on the Southern Prospectus to the Deputy General Manager by 3.00pm on Wednesday the 9 December 2020 so that a Council can provide comments to the Project Manager at the Office of the Coordinator-General by the COB Wednesday the 9 December 2020.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.5 AUSTRALIA DAY AWARDS 2020

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** Australia Day 2020 Citizen of the Year be awarded to Nathan Ransley and the Mayor invite Nathan Ransley to Council's Australia Day event to be presented with the Award.

**THAT** Australia Day 2020 Young Citizen of the Year be awarded to Bailey Mayne and the Mayor invite Bailey Mayne to Council's Australia Day event to be presented with the Award.

**THAT** Australia Day Community Event of the year be awarded to Bothwell CWA for the Party in the Park held in November 2020.

**THAT** Council also issue appreciation awards to the Ouse On-Line Committee for the Digest for keeping the Municipality up to date with events, Robyn Lewis Central Highlands Tasmania Wildlife for supporting the animals during the fires and Jenny Dobson from Bronte Park.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.6 BUSHFEST 2021

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** to enable staff to begin preparations for Highlands Bushfest 2021, Council confirm:

- (a) Highlands Bushfest 2021 will be held on 20 & 21 November 2021; and
- (b) funds will be allocated in the 2021/22 budget for the event.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

*Clr A Campbell left the meeting at 2.25 p.m.*

## 17.7 MOBILE BLACK SPOT PROGRAM – ROUND 5A

**Moved:** Clr R Cassidy

**Seconded:** Clr A W Bailey

THAT Council allocate \$120,000 for better mobile cover in the following areas Pelham, Bronte Park and Brady's Lake in the budget for 2020/2021.

**CARRIED 5/3**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr R Cassidy and Clr J Honner.

**AGAINST the Motion:**

Clr A Archer, Clr S Bowden and Clr J Poore.

## 17.8 OFFICE CHRISTMAS CLOSURE

*Noted*

*Clr R Cassidy, Clr J Poore and Deputy General Manager Adam Wilson left the meeting at 2.39 p.m.*

## 17.9 BOTHWELL PLAYGROUP

**Moved:** Clr J Honner

**Seconded:** Clr A W Bailey

THAT Council waive the fees associated with the usage of the Bothwell Football Club and Community Centre; and make a contribution of \$500.00 the establishment/facilitating costs of starting the playgroup at Bothwell; subject to the receiving of the Community Grants application.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden and Clr J Honner.

## 17.10 PROPOSED JUNIOR GOLF SESSIONS

**Moved:** Deputy Mayor J Allwright

**Seconded:** Clr S Bowden

THAT Council support the Community Relations Officer to assist with the golf clinics at the Golf Club enable utilisation of the Community Bus for the students to attend the golf course for each session and make a contribution towards the project through the Community Grants Program for the amount of \$750.00

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden and Clr J Honner

*Clr J Poore and Deputy General Manager Adam Wilson returned to the meeting at 2.41p.m*

## 17.11 PROPOSED BREAKFAST CLUB

**Moved:** Clr A Archer

**Seconded:** Clr S Bowden

**THAT** Council agree to the in-kind support of the Community Relations Officer to start the Project and make a contribution towards the Bothwell District High School Breakfast Club through the Community Grants Program for the amount of \$500.00.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr J Honner and Clr J Poore.

## 18.0 SUPPLEMENTARY AGENDA ITEMS

**Moved:** Clr A W Bailey

**Seconded:** Clr J Honner

**THAT** Council consider the matters on the Supplementary Agenda.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr J Honner and Clr J Poore.

## 11.5 RECEIVAL DRAFT MINUTES OF CENTRAL HIGHLANDS VISITOR CENTRE MANAGEMENT COMMITTEE MEETING

**Moved:** Clr J Poore

**Seconded:** Clr A W Bailey

**THAT** the Draft Minutes of the Central Highlands Visitor Centre Management Committee Meeting held on Wednesday 2nd December 2020 be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr J Honner and Clr J Poore.

## 18.1 HIGHLANDS HEALTHY CONNECT PROGRAM

**Moved:** Clr J Honner

**Seconded:** Clr A W Bailey

That the information be received.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr J Honner and Clr J Poore.

## 18.2 LETTER FROM MR MARSHALL

**Moved:** Cllr A W Bailey

**Seconded:** Cllr S Bowden

**THAT** the letter from Mr Marshall be received and Mr Marshall be thanked for his letter and advise that Council is aware that Clyde Water Trust and Inland Fisheries have been in discussion with regard to this matter.

**CARRIED**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr J Honner and Cllr J Poore.

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## 19.0 CLOSURE

The meeting was closed at 3.05 p.m.

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**MINUTES OF THE PLANNING COMMITTEE MEETING  
OF THE CENTRAL HIGHLANDS COUNCIL HELD  
IN THE BOTHWELL COUNCIL CHAMBERS  
AT 9.05AM ON TUESDAY 12<sup>TH</sup> JANUARY 2021**

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**1.0 PRESENT**

Clr Allwright (Chairperson), Mayor Triffitt, Clr Poore & Clr Cassidy

**IN ATTENDANCE**

Mrs L Eyles (General Manager), Mr G Rogers (Manager DES), Mr D Mackey (Southern Midlands Council) & Mrs K Bradburn (Minutes Secretary)

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**2.0 APOLOGIES**

Clr Bailey (Proxy) & Clr Honner

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**3.0 PECUNIARY INTEREST DECLARATIONS**

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

**Nil**

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**4.0 CONFIRMATION OF MINUTES**

Moved **Clr Poore**

Seconded **Clr Cassidy**

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13<sup>th</sup> October 2020 to be confirmed.

***Carried***

**For the Motion:** Clr Allwright, Mayor Triffitt, Clr Poore & Clr Cassidy

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**5.0 QUESTION TIME & DEPUTATIONS**

**Nil**

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## **6.0 DISCUSSION PAPER: DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE – FURTHER FEEDBACK FROM THE TASMANIAN PLANNING COMMISSION.**

### **Report By**

Planning Consultant (SMC) Damian Mackey

### **Purpose**

The purpose of this report is to consider Council's response to the latest feedback from the Tasmanian Planning Commission (TPC) regarding Council's draft Local Provisions Schedule for the Tasmanian Planning Scheme.

Following the Planning Committee meeting a more complete report, with recommendations, will be formulated for the next council meeting.

### **Background**

As Councillors are aware, the Tasmanian Planning Scheme will consist of the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs) from individual Councils.

Council's initial draft LPS was submitted to the TPC in late 2019. In early July 2020 a conference was held by the TPC with council planning officers to discuss the issues. In late July the TPC provided Council with its response, detailing a list of issues that it considered needed to be further addressed before it would recommend to the Minister that the draft is suitable for public exhibition.

Council formulated its response to most of these matters at its October 2020 meeting, with the final matter - the Lake Meadowbank Specific Area Plan - being considered at its December meeting.

Following a second conference in mid-December, the TPC provided further feedback, which is set out in the enclosed correspondence and attachments thereto.

### **Issue 1 – Zone Mapping:**

#### **Agriculture verses Rural Zone Allocation:**

The only major change in zoning from the existing Interim Planning Schemes in the southern region to the State Planning Scheme is the way rural areas are zoned.

Currently there is the Significant Agriculture Zone which only applies to the relatively small, well defined areas of high-quality agricultural land, and the Rural Resource Zone which is applied almost everywhere else and includes dry-land cropping, pasture land, summer grazing land, native pasture, grazing land under forest cover, forestry land and mining areas.

Under the new State Planning Scheme there will be the Agriculture Zone covering almost all agricultural land and the Rural Zone covering forestry land, major mining operations, and the like.

The allocation of the Rural and Agriculture Zones is very different to the allocation of the Significant Agriculture and Rural Resource Zones and has been a major task for councils.

To assist in this process the State Government undertook an exercise to map the '*Land Potentially Suitable for the Agriculture Zone*'. This map is known as the LPSAZ.

The makers of the LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. It did not include local on-ground verification. The constraints analysis that was utilised in the LPSAZ mapping was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was not feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered.

Fundamentally, therefore, the LPSAZ is a broad-brush tool and not necessarily correct at the property level. Its outcomes are merely a starting suggestion and, whilst correct in the majority of cases, the proposed zoning therein needs to be tested against more detailed local-level analysis.

To provide a more refined property-level methodology, the Southern councils (with State Government funding) engaged a firm called AK Consultants to develop the '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*'. This document takes the LPSAZ as a base and adds a standard methodology to enable planners to consider the facts on the ground and to decide whether land should be Rural or Agriculture Zone. It clearly sets out the circumstances in which land in the LPSAZ should in fact be zoned Rural and, conversely, where land not in the LPSAZ should be zoned Agriculture.

The Decision Tree document states that only if, after its guidelines have been applied, it is still uncertain which zone should be used, it would be necessary for an expert consultant to be engaged to make a determination.

The Decision Tree document is given substantive weight by the State's Guideline No.1 as *an agricultural land analysis undertaken at the regional level which incorporates more recent analysis, better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils*, (Guideline AZ1(a)).

Furthermore, AZ6(a) of Guideline No.1 provides for alternative zoning *if local or region strategic analysis has identified or justifies the need*. The application of the Decision Tree rules enables this.

In addition, at the time the Southern councils initially proposed to organise the creation of the Decision Tree, the idea was put to the TPC and the State Government and received endorsement for the idea.

However, since the December conference with the TPC, it has become apparent that the TPC now gives no weight at all to the Decision Tree document. It has adopted the position that land in the LPSAZ should be zoned Agriculture and land not in the LPSAZ should be zoned Rural, and if a council considers it appropriate to deviate from this it must engage an external consultant to verify it.

This has given rise to the situation where the TPC is insisting that areas clearly dominated by forestry be zoned Agriculture, and that areas clearly used for agriculture should be zoned Rural.

Data sources used by Council to allocate zoning include, (in addition to the LPSAZ), the Land Use 2015 LIST layer, the Agricultural Land Capability layer (i.e. Class 1 to 7 under the Protection of Agricultural Land State Policy), aerial photography layers, Private Timber Reserves, Conservation Covenants, Mining Leases, landownership, local knowledge and site inspection, as per the Decision Tree guidelines. The TPC, in taking the LPSAZ at face value and not utilising the Decision Tree guidelines, has concluded that Council has applied the Rural and Agricultural zones inconsistently.

For example; in regard to Private Timber Reserves, (PTRs), Council's position is that the existence of a PTR should not carry determining weight to zone a piece of land Rural. For example, a PTR making up a small part of a working farm ought to be zoned Agriculture along with the rest of the farm. However, in case of multiple PTRs in an area, along with aerial photographic evidence of forestry land use and predominantly forestry company land ownership indicates an area should be zoned Rural even though it may be mapped in the LPSAZ. The Decision Tree provides the rigour for planners / planning authorities to make this decision. The advice of an external consultant ought not be necessary.

Council has three options to resolve this matter:

1. Zone all land in the unconstrained layer of the LPSAZ as Agriculture and all land not in the unconstrained layer of the LPSAZ as Rural.

Such a blanket adoption of this desk-top broad-brush data set will result in clear instances of the wrong zones being applied.

2. Engage an external consultant to assess all the instances where Council (using the AK Consulting Decision Tree Guidelines) believes it is appropriate to depart from the LPSAZ.

This will require financial resources and delay the progression of the LPS by six or twelve months.

3. Seek clarification from the TPC, and from the State Government if necessary, as to why the AK Consulting Decision Tree Guidelines document appears to have now been dismissed by the TPC, and request that it be given the function and weight it was originally intended to have, and accorded to it by the State's Guidelines No.1 AZ1(a) and AZ6(a).

#### Zoning of Mining Leases:

Many mining operations in the Central Highlands are small quarries on farms and have been zoning Agriculture along with the rest of the farm and surrounding land. The TPC have requested that Council liaise with Mineral Resources Tasmania (MRT) to seek confirmation that the mines are not of regional significance, and therefore appropriate to be zoned this way.

If a mining operation is considered to be of regional or state significance, it would be appropriate to consider a 'spot zoning' on "Rural Zone" applying to the mining lease area.

MRT has been contacted and provided with the details of the mining leases in Central Highlands, and feedback is expected by the end of January.

#### **Issue 2 – Listings for Heritage Places:**

##### The TPC's position:

The TPC continues to insist that the current heritage place list in the Central Highlands Interim Planning Scheme be transitioned into the LPS without any amendments to remove superfluous titles. (It is assumed it will allow correction of incorrect title references and addresses).

Council's position, adopted at the October meeting, was to seek to amend the heritage list to bring the listings in line with the revised Tasmanian Heritage Register listings, which have mostly been amended by the Tasmanian Heritage Council to remove superfluous titles. If the TPC did not consider this to be possible, Council's position was that it would ask the Minister to allow an amended heritage list under Schedule 6, Clause 8D of the *Land Use Planning & Approvals Act 1993* - as per advice contained in the TPC's late-July 2020 response.

However, the TPC has now advised that such an amended list would need to comply with the new information requirements for listed places. This would involve Council engaging a suitably qualified person to create data sheets of all listed places, (amended or not), including a detail description and list of heritage values, etc. for each place. This would take considerable time and financial resources.

##### How did superfluous titles come to be listed in the planning scheme?

The situation has arisen through a series of 'accidents of history':

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns - on small urban titles. However, for large rural properties, there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and that of the National Trust.

- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. The title was almost invariably adopted as there were no resources at the time to for expert examination of thousands of listings to define a spatial extent other than the titles. Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage house, barn and other historic outbuildings was rightfully included, also included were the property's other titles containing hundreds or even thousands of hectares.
- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.
- Thus, properties made up of multiple titles, such as Norton Mandeville in the Central Highlands, now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.
- In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the THR to remove superfluous titles. Most THR listings in Central Highlands have thus been corrected.
- Such corrections, however, do not automatically flow through to the local listing in the local planning scheme.

#### Council's Position:

Central Highlands Council's long-held position is that it's local list in the planning scheme should just mirror that of the THR.

It could well be argued that the removal of superfluous titles should be seen in exactly the same light as the correction of incorrect title references or street addresses and allowed in the LPS heritage list.

This would remove the unnecessary encumbering of 'heritage listing' from thousands of hectares of Central Highlands land where there is, and never has been, a deliberate decision to list the land.

#### Councils Options:

There appears to be three options available to Council to progress this matter:

1. Transition the current list into the LPS list with no amendments (other than correction of incorrect title references and street addresses), as per the direction of the TPC. This would mean many rural titles will continue to be unnecessarily heritage-listed. This will result in additional expense and time delays in the development application process for future proposed developments on this land.

Clearly, this would run counter to the State Government's declared aims for the whole planning reform process *"to ensure planning in Tasmania will be simpler, fairer and more efficient"* and provide *"greater certainty to investors and the community"*.

2. Engage a suitably qualified expert to review the entire heritage list and create the necessary data sheets to enable them to be included in the LPS list as 'new listings', and in the process remove the superfluous titles.

This would require financial resources and would delay the progression of the LPS by six or twelve months, or more.

3. Remove the heritage list from the LPS entirely. The TPC has advised that this option is allowable. This option works with Council's long-held position that it only list properties that are also on the Tasmanian Heritage Register. The heritage values of these properties would still be protected by virtue of the THR.

In fact, the State Planning Provisions explicitly state that the Heritage Code does not apply if a listed property is also listed on the THR. In other words, in the case of 'dual listed' properties, a heritage assessment and decision to approve or refuse would only be done by the Tasmanian Heritage Council. There is to be no 'double assessment' (and potentially conflicting decision) by the local council and the Heritage Council.

Because of this, if the current Council listings are translated straight into the LPS heritage list, the ridiculous situation will arise in which the local planning authority (Council) would only deal, in a heritage assessment sense, with the superfluous titles on its LPS heritage list. This is because the actual principle heritage titles would be also listed on the THR and therefore the Tasmanian Heritage Council would undertake the assessment of development applications on these titles.

Other Tasmania Councils have adopted the policy position that they will not have locally-listed heritage places, as they prefer to simply rely on the THR to protect the heritage values in their municipal areas. Meander Valley Council is one such example.

### **Issue 3 – The Lake Meadowbank Specific Area Plan (SAP):**

The TPC has sought explanation on how the SAP meets Section 32(4) of the Act and what Council's policies are behind the SAP. Section 32(4) sets out the reasons necessary to justify the existence of the SAP. Council has already provided the TPC with extensive explanation regarding why it believes Section 32(4) of the Act has been met and has detailed its underlying policies supporting the SAP.

As per Council's December 2020 resolution, these are:

1. *Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
2. *These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
3. *As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
4. *Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A SAP is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
5. *This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore*



*should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

6. *The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
7. *The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
8. *The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

The TPC has not provided any comment on these reasons, either negative or positive, and has simply asked (again) "how the SAP meets 32(4) of the Act".

Council cannot further progress this matter until the TPC provides its rational for, presumably, rejecting Council's existing justification for the SAP under Section 32(4).

There are several other matters raised by the TPC regarding the Lake Meadowbank SAP. The TPC has requested that Council liaise with interested parties to resolve these issues. The interested parties include:

- Hydro Tasmania.
- TasWater
- The Aboriginal Heritage Council
- Marine and Safety Tasmania
- The Lake Meadowbank Water Ski Club

Initial contact has been made with most of these parties and it is anticipated their feedback will be obtained during January.

#### **Issue 4 – Drafting:**

Under this heading the TPC has reiterated its comments regarding the Lake Meadowbank SAP and the local heritage places list, referred to above.

#### **Issue 5 – Supporting Justification Report:**

Under this heading the TPC has essentially pointed out that Council's LPS Supporting Report will need to be amended once all of the above issues are resolved.

This, in and of itself, is quite routine. However, it raises the issue of what the Supporting Report should ultimately say in circumstances where as parts of the Draft Local Provisions Schedule have been imposed by the TPC and are at odds with Council's views.

The purpose of the Supporting Report is to provide the general public with an explanation of all the elements in the LPS, including the proposed zoning of land, the contents of the local heritage list and the provisions of the Lake Meadowbank Specific Area Plan. Fundamental democratic principles would insist that the general public is made aware of what their local elected representatives are responsible for in the LPS and what their State elected representative are ultimately responsible for.

#### **Issue 6 – Process for Further Clarifications:**

Under this section the TPC has flagged that the proposed removal of the now-redundant Attenuation Area Overlay over the now-removed Great Lake Hotel sewerage treatment ponds, which Council endorsed at its October 2020 meeting, cannot happen.

This means that Council, and the Great Lake Hotel owners, will have to allocate significant financial resources and time in the future to undertake and planning scheme amendment to remove this now useless element of the planning scheme.

### **Community Consultation**

When directed to do so by the TPC the Central Highlands Draft Local Provisions Schedule will be publicly exhibited in accordance with statutory requirements.

This will involve:

- The statutory requirements of Division 4 of the Act. These are, in summary:
  - A 60-day exhibition period.
  - Notification of adjacent Councils and Councils in the region; and
  - Notification of State Service Agencies and Authorities as directed by the TPC;
  - Newspaper notice of the exhibition;
  - The exhibition of the draft LPS for public viewing within the municipal area;
  - The exhibition of the draft LPS by the TPC;
  - The opportunity for members of the public to lodge representations on the draft LPS;
  - Consideration of representations by the Council (acting as a Planning Authority).
- Use of Council resources to exhibit and communicate the draft - Council website, and readily available information at Bothwell and Hamilton Offices;
- Information Sessions at key locations (i.e. dedicated drop-in session);
- Officers available to discuss matters with the public and stakeholders.

Proposed details of the mechanics of the public exhibition process (dates, times, locations, displays, etc.) will be subject of a separate report for Council consideration once it is clear when the TPC/Minister will endorse the LPS as suitable for public consultation.

As indicated above, Council will need to give consideration to the explanations provided in the Supporting Report in regard to elements of the LPS that have been imposed by the TPC.

### **External Referrals**

As indicated above, the draft Lake Meadowbank SAP has been referred to a range of interested parties and the mining lease areas have been referred to Mineral Resources Tasmania for comment. For many other issues relevant to State agencies, input has already taken place at the statewide level.

The draft LPS will nevertheless be referred to all State agencies once the formal exhibition period commences.

### **Council Strategic Plan (and Local Planning Strategy)**



The draft LPS is considered to be consistent with the Central Highlands Strategic Plan and local planning objectives and plans, as detailed in the Supporting Report considered at the August 2019 Council meeting.

### **Timeframe**

A timeframe for the exhibition of the draft LPS is dependant on the resolution of the abovementioned matters with the TPC.

### **Financial Implications**

Continuing with the preparation and exhibition of the draft is a core requirement of Council and duty of the Planning Authority. It carries a low financial liability but overall is a resource intensive exercise for the Planning Department.

That said, there are several instances highlighted in this report where compliance with the TPC's requirements would entail very significant expenditure of Council finances in the engagement of a range of external consultants. As explained above, this is considered not necessary, as the reasonable exercise of planning judgement by planning officers, Council acting as a planning authority and the Tasmanian Planning Commission should suffice for the matters at hand.

Moved **Mayor Triffitt**

Seconded **Clr Poore**

**THAT** Council:

A. Respond to the 23 December 2020 correspondence from the Tasmanian Planning Commission pertaining to the Central Highlands Draft Local Provisions Schedule, advising the following:

1. In regard to the allocation of the Rural and Agriculture Zones, Council cannot respond to the Commission's questions until the status of the AK Consulting '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*' is clarified. Whilst Council representatives have been verbally advised that this report does have standing, the Commission's questions indicates it does not.

If it does not have standing in the Commission's eyes, Council seeks an explanation. This report was funded by the State at the express request of the Southern Councils to guide the allocation of the Rural and Agriculture Zones in the formulation of their Local Provisions Schedules. At the time, this approach was endorsed by Government and Commission representatives.

If the AK Consulting Decision Tree cannot be used, Council will be forced to expend considerable financial resources to engage consultants, (which in its view would be unnecessary), and the progression of the draft LPS will be further delayed.

2. In regard to the spatial extent of heritage place listings on rural properties, Council seeks a full explanation as to why the removal of superfluous titles, that have now been removed from the corresponding Tasmanian Heritage Register listings, cannot be allowed in the LPS. These listings unnecessarily encumber thousands of hectares of the Central Highlands. This is land where there is, and never has been, a deliberate decision to list the land.

It could well be argued that the removal of superfluous titles should be seen in exactly the same light as the correction of incorrect title references or street addresses that is being allowed by the Commission in the LPS heritage list.

Noting that Council's policy is that its local heritage list is to only include properties that are on the Tasmanian Heritage Register, Council foreshadows that if its list cannot be corrected as outlined above, it will remove the list entirely from the draft LPS.

3. In regard to the Draft Lake Meadowbank Specific Area Plan, Council cannot respond to the Commission's request that Council provide justification for its inclusion in the LPS until the Commission provides feedback on the rationale Council has already provided.
- B. Consult with the Southern Region's Technical Reference Group (Planning) to establish how similar issues are being dealt with by the Tasmanian Planning Commission in other municipal areas, with a view to potentially pursuing areas of common interest jointly with other councils.
- C. Seek advice from the Office of the Coordinator General regarding the above.

**Carried**

**For the Motion:** Clr Allwright, Mayor Triffitt, Clr Poore & Clr Cassidy

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## **7.0 OTHER BUSINESS**

Nil

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## **8.0 CLOSURE**

There being no further business the meeting closed at 10.36am

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# TASMANIAN PLANNING COMMISSION



Our ref: DOC/20/147525  
Officer: Liza Fallon  
Phone: 03 6165 6832  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

23 December 2020

Mr Damian Mackey  
Planning Consultant  
Central Highlands Council  
PO Box 20  
Hamilton TAS 7140

By email: [dmackey@southernmidlands.tas.gov.au](mailto:dmackey@southernmidlands.tas.gov.au);  
[council@centralhighlands.tas.gov.au](mailto:council@centralhighlands.tas.gov.au)

Dear Mr Mackey

## **Tasmanian Planning Scheme Central Highlands draft Local Provisions Schedule**

I refer to the post lodgement conference for the Central Highlands draft LPS held on Friday, 11 December 2020.

See the attached table summarising the matters discussed and the outcomes and proposed actions (Attachment 1).

At the conference it was agreed that the planning authority would address the clarifications and issues raised at the conference and in further information provided in the attachments to this letter.

Please submit your responses to [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au) by COB Friday, 29 January 2021.

If you need clarification on any matters, please contact Liza Fallon, Planning Adviser on 03 6165 6828.

Yours sincerely

Claire Hynes  
**Delegate**

Encl: Attachment 1: Central Highlands draft LPS post lodgement conference,  
11 December 2020 – list of actions and outcomes

Attachment 2: Central Highlands draft LPS post lodgement conference,  
11 December 2020 – zone clarifications table

## ***Attachment 1: Central Highlands draft LPS post lodgement conference - matters discussed***

<b><i>Matters discussed</i></b>	<b><i>Outcomes and proposed action</i></b>
<b>1. Zone mapping</b>	
<p>(a) Zone mapping application for the Agriculture and Rural zones, including where these zones have not been consistently applied.</p> <p>(b) 'Rezoning' may have not have been justified in the supporting report to the level required to demonstrate compliance with the LPS criteria (section 34(2) of the Act).</p>	<p>(a) and (b) –</p> <ul style="list-style-type: none"> <li>(i) The Tasmanian Planning Commission (TPC) to provide the planning authority (PA) with a list of zoning issues arising from the second post lodgement conference (refer to Attachment 2). Noting the Council's responses, received 31 October 2020, the PA to confirm the intended zoning of each identified zone change by providing comments in column 4 of the table in Attachment 2.</li> <li>(ii) PA to provide further justification on why the land attached to mining leases has been zoned Agriculture and provide evidence that Mineral Resources Tasmania (MRT) verifies that the mining leases in the municipality are not of regional significance.</li> <li>(iii) PA to provide justification for applying the zone changes, suitable for inclusion as an amendment, or as an addendum, to the Supporting Report. If the zoning comprises an error, the PA is to advise the appropriate zone.</li> <li>(iv) PA to rectify and in due course provide amended zone maps in accordance with section 2.8 of Practice Note 7. Note, changes to the zone mapping will <u>not</u> be required until the section 35(5)(b) directions to modify notice has been issued.</li> </ul> <p>Note: If the PA proposes an alternative zone to the Agriculture Zone for land that is mapped as 'unconstrained land' for agriculture, the zoning needs to be verified by a suitably qualified person. Please also refer to Section 8A Guideline No.1, in particular AZ1, AZ6 and RZ3.</p>
<b>2. Listings for local heritage places</b>	
<p>(a) Listings for Table C6.1 Local Heritage Places, including transitional provisions and permitted alterations.</p>	<p>The Commission advised the requirements and options for transitioning provisions.</p> <p>PA to confirm that the listings for Table C6.1 Local Heritage Places are to remain as transitioning code-applying provisions, and all current listings in the IPS have been transferred to the draft LPS.</p> <p>PA to note the following:</p>

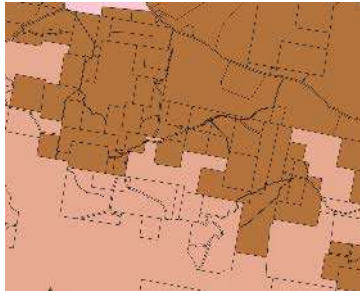


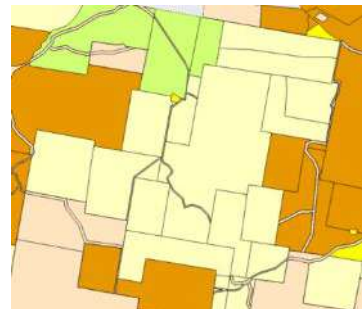

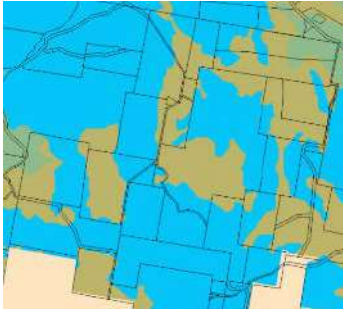
	<p>If Table C6.1 is to remain as transitioning content, then it may only be modified for a purpose specified in Schedule 6, clause 8D(8) of the Act. Transitioning provisions provide a mechanism for planning authorities to transfer existing local heritage places into the Table C6.1 without the need to prepare a statement of local historic heritage significance if one is not already contained in the existing planning scheme.</p> <p>PAs may add new content where the interim planning scheme does not include this information, for example, a statement of local heritage significance and historic heritage values. Where new information is added to a code-applying provision, the supporting report should clearly differentiate between the transitioning and new content.</p> <p>The spatial extent of place listings in the IPS cannot be altered in the draft LPS if they are to remain as transitioning as a code-applying provision. The spatial extent must transition over the same area.</p> <p>If the PA wishes to make changes beyond permitted alterations to Table C6.1 Local Heritage Places, the table will be considered new content and a statement of local historic heritage significance for each listing (prepared and confirmed by a suitably qualified person) is required, in accordance with the SPPs at clauses LP1.8.1 and LP1.8.2 and Practice Note 8. Information for each place listing should be completed as necessary to meet the criterion of local historic heritage significance in sub-clause C6.3.1 of the SPPs and confirmed by a suitably qualified heritage expert.</p>
<b>3. New SAP and section 32(4) of the Act</b>	
<p>(a) Justification in accordance with section 32(4) of the Act for CHI-S1.0 Lake Meadowbank Specific Area Plan (SAP) as it is a new SAP.</p> <p>(b) Clarification of the intended planning policy outcome.</p> <p>(c) Feedback from all parties with an interest in the SAP development.</p>	<p>(a) and (b) –</p> <p>Noting that the revised Lake Meadowbank SAP aims to expand recreational use within the SAP area, both on and off the water, the PA to provide further explanation and clarification on:</p> <ul style="list-style-type: none"> <li>(i) how the SAP meets section 32(4) of the Act, explaining how the SAP provides for the protection of water supply and generation of Hydro Electricity, water quality as the major water storage in the drinking water catchment for the Greater Hobart Area and Aboriginal heritage;</li> <li>(ii) the intended planning policy outcome of the SAP, and what issues are in the existing SAP that warrant the approach in the new SAP (including the introduction of new Use Classes, the application of a master development plan and access standards, and how site specific and cumulative wastewater impacts will be addressed); and</li> <li>(iii) whether it is intended that the allowable uses in the SAP may occur across the entire SAP area, including land zoned Environmental Management in the northern part of the SAP,</li> </ul>

	<p>and further consider whether this northern part of the SAP should be removed from the spatial extent of the SAP.</p> <p>(c) PA to –</p> <ul style="list-style-type: none"> <li>(i) provide feedback from all parties with an interest in the development of the Lake Meadowbank SAP to the TPC by 29 January 2021 (including Hydro Tasmania, TasWater, Aboriginal Heritage Tasmania, Marine and Safety Tasmania and other stakeholders such as the Lake Meadowbank Water Ski Club);</li> <li>(ii) provide the PAs response to the comments provided by the other interested parties; and</li> <li>(iii) verify the number of titles subject to the SAP.</li> </ul> <p>A third post lodgement conference to review the specific drafting of the Lake Meadowbank SAP may be considered, once the PA has addressed the issues raised above.</p>
<b>4. Drafting</b>	
<p>(a) Drafting review of written document, including operational issues, use of purpose statements, and development standards for CHI-S1.0 Lake Meadowbank SAP.</p> <p>(b) Discussion of code-applying provisions as they relate to Table C6.1 Local Heritage Places.</p>	<p>(a) PA to rework the CHI-S1.0 Lake Meadowbank SAP after consulting relevant stakeholders on the intended planning policy outcome of the SAP and the proposed standards.</p> <p>Note: The TPC will review the drafting of the LPS for consistency with SPP LPS requirements and Guidelines after the PA has consulted relevant stakeholders and reworked CHI-S1.0 Lake Meadowbank SAP.</p> <p>(b) As stated above in item 2 above PA to review Table C6.1 Local Heritage Places to ensure it meets code-applying provision requirements as a transitioning provision.</p>
<b>5. Supporting justification report</b>	
<p>(a) Further explanation of several matters.</p> <p>(b) Format for providing additional information.</p>	<p>(a) PA to make modifications to the supporting report to reflect any necessary changes arising from the issues raised above and at the first post lodgement conference, and to remove anomalies and typographical errors. Any alterations made to the supporting report are to be shown as ‘track changes’ or as an addendum for submission to the TPC.</p> <p>For example:</p>

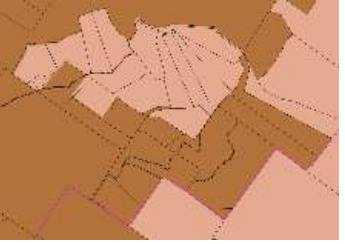

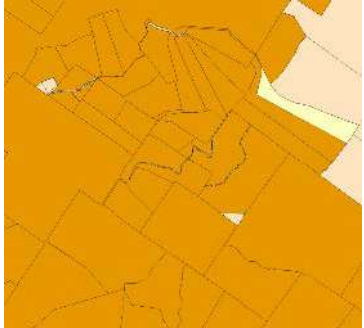


	<ul style="list-style-type: none"> <li>(i) clarification on whether the lake Meadowbank SAP is transitioning or a new SAP – and if new, justification on how the new SAP meets section 32(4)(a) or section 32(4)(b) of the Act, including the intended purpose of the proposed standards;</li> <li>(ii) clarification on whether Table E13.1 Heritage Places in the interim planning scheme is transitioning – and if new, justification to support any changes made to the listings of local historic heritage places, including an explanation of changes made to correct errors and anomalies to addresses and title references;</li> <li>(iii) detailed reasoning on the methodology used to prepare the revised Waterway and Coastal Protection Area overlay;</li> <li>(iv) the reasoning for applying the Priority Vegetation Area overlay to certain lakes identified as habitats for threatened species;</li> <li>(v) more detailed explanation and justification for applying the zone changes in the draft LPS, including the application for the Agriculture and Rural Zones;</li> <li>(vi) the reasoning for dealing with covenanted land in the Agriculture Zone;</li> <li>(vii) the reasoning for dealing with land in the Agriculture Zone that has a Private Timber Reserve (PTR) attached to the land; and</li> <li>(viii) the reasoning for applying the Agriculture Zone or Rural Zone to relevant land covered by a mining lease.</li> </ul>
<b>6. Process for further clarifications</b>	
<ul style="list-style-type: none"> <li>(a) Confirmation of draft LPS endorsement by Council for the zoning of the relocated walkway at Wigrams Way, London Lakes.</li> <li>(b) Overview of process from here including the potential for a third post lodgement conference to consider the SAP.</li> <li>(c) Publishing the agenda for the first post lodgement conference agenda on iplan and the Council website.</li> </ul>	<ul style="list-style-type: none"> <li>(a) PA to submit the Planning Authority's confirmed Minutes, 20 October 2020.</li> <li>(b) PA identified that if any substantial revisions made to the Lake Meadowbank SAP, the modified draft SAP may need to go back to the PA for Resolution.</li> <li>(c) PA agreed to the publishing of the agenda on iplan and the Council's website.</li> </ul> <p>Note: the Attenuation Area overlay is a transitioning provision under the code-applying provisions subject to Schedule 6, clause 8D(2) of the Act, and the proposed removal of the Attenuation Code overlay to the Great Lake Hotel sewerage treatment ponds will need to be considered after the LPS has been approved.</p>

ATTACHMENT 2

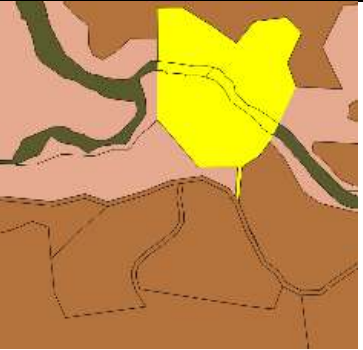

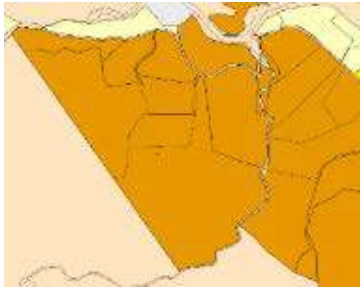

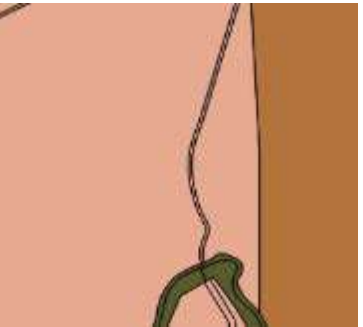


Central Highlands Draft Local Provisions Schedule - Zoning Clarification Table – 11 December 2020

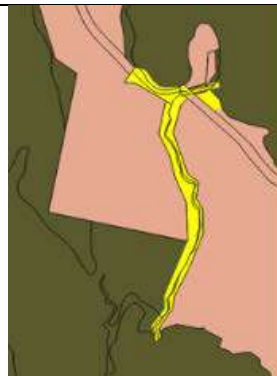



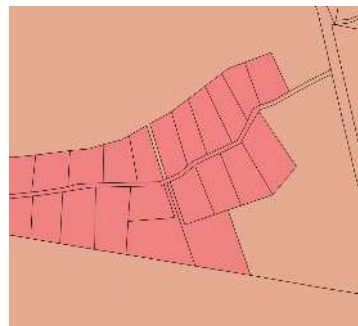
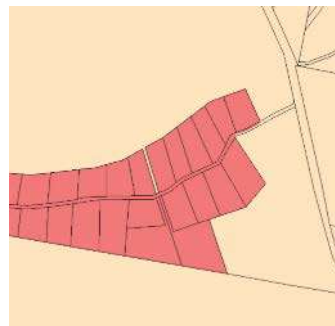


Location	Map Comparison		Commission Comments/Questions	Planning Authority Comments
1: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES				
1.1 Example Farming land south of Ellendale  Change of zone from Rural Resource to Agriculture and Rural  For example, titles: FR 107858/1 – Norske Skog Paper Mills (Australia) Limited FR 211913/1 – privately owned FR 204606/1 – privately owned  Another example: FR 53146/1 – privately owned FR 226751/1 – Reliance Forest Fibre Pty Ltd FR 214712/1 – privately owned  Another example: FR 230826/1 – privately owned FR 44761/5 – privately owned FR 52730/3 – privately owned	<b>LPS</b> 	<b>IPS</b> 	<p>The following titles are examples of a broader zoning issue that applies to this area, whereby the application of the Rural Zone and Agriculture Zone to farming land south of Ellendale appears to have been inconsistently applied.</p> <p>For example (see below):</p> <ul style="list-style-type: none"><li>• Application of the Rural Zone to FR 107858/1, FR 211913/1 and FR 204606/1 to land that is mapped as unconstrained land as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer (the LPSAZ). These titles appear to be relatively flat with a land capability of Class 4 and Class 5. A Private Timber Reserve (PTR) applies to FR 107858/1, however, it is noted that the PA has advised that PTRs are “<i>temporary instruments and therefore should not be given determining weight in allocating zoning</i>”.</li><li>• Application of the Rural Zone and Agriculture Zone to FR 53146/1, FR 44761/5 and FR 214712/1 to land that is mapped as unconstrained land as part of the LPSAZ – two privately owned titles are proposed to be zoned Rural and the title in between (that is owned by a forestry company) is proposed to be zoned Agriculture.</li><li>• Application of the Agriculture Zone to FR 230826/1, FR 44761/5 and FR 52730/3 to land that is mapped as constrained land as part of the LPSAZ and has a land capability of Class 5 and Class 6.</li></ul> <p>If the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p>	
			<div><div><b>LPSAZ mapping</b>  </div><div><b>Land capability</b>  </div></div>	



<p>1.2 Example Bluff Road Gretna area Change of zone from Rural Resource to Rural For example, titles: FR 140770/2 FR 141864/1 Another example: FR 46845/1 FR 106686/1 FR 157787/3 FR 100979/3</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>These titles (and this general area) are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ (see below). Further explanation is required for why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture Zones. If the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p> <p><b>LPSAZ mapping</b></p> 	
<p>1.3 Change of zone from Rural Resource to Agriculture and Rural, for land with conservation covenants or a Private Timber Reserve (PTR) attached to the land</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>The Commission accept the PAs reasoning, received 31 October 2020, for dealing with covenanted land in the Agriculture Zone. This reasoning needs to be included in the PAs supporting report. The Commission also accept the PAs reasoning for dealing with land in the Agriculture Zone that has a PTR attached to the land. This reasoning needs to be included in the PAs supporting report. However, for titles that are mapped as ‘unconstrained land’ as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person. Could the PA:</p> <ul style="list-style-type: none"> <li>Confirm application of Environmental Management Zone in accordance with Guideline No 1 EMZ 1(a) for Shepherds Shore (FR 168308/2) which is identified as a Private Sanctuary (Conservation Area), and provide the coordinates for the split-zone boundaries on the title.</li> </ul>	
<p>1.4 PA to provide further clarification on the application of Rural and Agriculture Zones to land identified as ‘unconstrained land’ for agriculture as part of the LPSAZ</p>			<p>Noting the PAs responses, received 31 October 2020, where land is mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person. Noting Council’s response, could the PA provide specific justification for each of the following areas:</p> <ul style="list-style-type: none"> <li>Lyell Highway/Marked Tree Road, Gretna area – FR 108593/1, FR 102690/3, FR 158526/1 and FR 146220/2 (identified as unconstrained but proposed to be zoned Rural)</li> <li>Interlaken Road and Tunbridge Tier Road, Interlaken – FR 52866/1, FR 52667/1 and FR 246979/6 (identified as unconstrained but proposed to be zoned Rural)</li> <li>Little Den Road, Millers Bluff – FR 230533/1 (identified as unconstrained but proposed to be zoned Rural)</li> <li>'Bashan 5 Mile - Bashan Road, 655 Bashan Road, 'Pt Triangle - Bashan Road, 'Glen Rowan' - 655 Bashan Road and 3136 Victoria Valley Road- FR 118843/1, FR 208347/1, FR 132240/1, FR 208320/1 and FR 153448/1 (identified as unconstrained but proposed to be zoned Rural).</li> </ul>	

			<ul style="list-style-type: none"> <li>Strickland Road, Strickland - FR 248756/2 (identified as unconstrained but proposed to be zoned Rural).</li> </ul>	
1.5 PA to provide further clarification on the application of Rural and Agriculture Zones to land with conservation covenants attached to the land under the <i>Nature Conservation Act 2002</i>			<p>The delegates note the PAs response, received 31 October 2020, in relation to the areas listed below:</p> <p><i>“Refer to response to Section 2.1, above, in regard to land with conservation covenants.”</i></p> <p>Noting Council’s response, could the PA provide specific justification for each of the following areas:</p> <ul style="list-style-type: none"> <li>Lake Echo and Macclesfield Road, Waddamana area (large land holdings such as Bashan+Kluan)</li> <li>Ellendale and Meadowbank areas ( FR 172188/1, FR 168233/3, FR 168233/3, FR 173269/2, FR 37631/2, FR 36399/1, FR 18933/2, FR 163541/1, FR 248137/1, FR 247172/1)</li> <li>Highland Lakes Road, Bothwell area ( FR 112768/1, FR 240372/1, FR 116777/4, FR 116778/5)</li> <li>Interlaken Road, Steppes area (multiple titles including FR 122878/1, FR 156999/1, FR 36492/1)</li> <li>Marked Tree Road, Hamilton area (FR 206786/1, FR 166564/1, FR 166564/2, FR 166564/3, FR 166563/1, FR 166563/2, FR 166563/3)</li> <li>Lyell Highway, Gretna area (FR 146220/3, FR 146220/2, FR 146220/3, FR 158526/1)</li> <li>Bronte Park (FR 241850/1 and FR 243948/1)</li> </ul>	
1.6 Application of the Agriculture Zone to mining leases Hamilton, Bothwell, Meadowbank, Gretna and Ouse areas			<p>Noting Council’s responses, received 31 October 2020, could the PA provide evidence that Mineral Resource Tasmania (MRT) has been consulted and verified that the mining leases in the Central Highlands municipality are current or ‘not strategically important’? Has the PA considered the split zoning of relevant land covered by mining leases?</p> <p>Could the PA:</p> <ul style="list-style-type: none"> <li>provide further explanation on why the land attached to the following mining leases has been zoned Agriculture;</li> <li>provide evidence that MRT verifies these mining leases are not of regional significance; and</li> <li>consider whether the Rural Zone or another zone, or split zoning, ought to be applied to titles that are subject to a mining lease?</li> </ul> <p>Mining leases:</p> <ul style="list-style-type: none"> <li>Mining Lease - 1679P/M</li> <li>Mining Lease - 2082P/M</li> <li>Mining Lease - 2041P/M</li> <li>Mining Lease - 1623P/M</li> <li>Mining Lease - 1418P/M</li> <li>Mining Lease - 1509P/M</li> <li>Mining Lease - 1473P/M</li> <li>Mining Lease - 2016P/M</li> <li>Mining Lease - 1943P/M</li> <li>Mining Lease - 2026P/M</li> <li>Mining Lease - 1560P/M</li> <li>Mining Lease - 1883P/M</li> </ul>	
1.7 Change of zone from Rural Resource to Rural and Mining Lease - 1560P/M	<b>LPS</b>	<b>IPS</b>	<p>The PA proposes to apply the Rural Zone to FR 135131/1, FR 167186/1 (West of Broad River), FR 166928/2, FR 166928/3, FR 166928/4, FR 135129/2 and FR 127707/2. These titles are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ (see below).</p> <p>For those titles that do not have a mining lease attached to the land and are used for forestry, the PAs justification appears to contradict the PAs general</p>	

<p>871 Dawson Road and Lot 2 Dawson Road</p> <p>FR 166928/4 FR 166928/2 FR 145728/1 FR 46016/5</p>			<p>reasoning for dealing with land in the Agriculture Zone that has a PTR (i.e. used for forestry).</p> <p>If the PA proposes an alternative zone for land that is mapped as 'unconstrained land' for agriculture, and the title does not have a mining lease attached to the land, the zoning needs to be verified by a suitably qualified person.</p> <p>The PA could consider applying the Rural Zone (or another zone, or split zoning) to titles that are subject to a mining lease?</p> <div data-bbox="1121 449 1863 764"> <div> <p><b>LPSAZ mapping</b></p>  </div> <div> <p><b>Land capability</b></p>  </div> </div>	
<p>1.8 Bronte Park area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Fourteen Mile Road</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>It is noted that a boundary adjustment has been completed to align the title boundary of FR 179798/1 to the mining lease boundary (see below). The adjoining title FR 179798/2 is largely mapped as 'unconstrained land' for agriculture.</p> <p>The boundary between Rural Zone and Agricultural Zone will need to be modified so that the entirety of Mining Lease 2033/M (and its newly amended title, FR 179798/1) is zoned Rural. The entire title FR 179798/2 also needs to be modified so that the entire title is zoned Agriculture.</p> <div data-bbox="1347 1041 1644 1503"> <p><b>The LIST</b></p>  </div>	
<p><b>2. OTHER ZONING CHANGES</b></p>				
<p>2.1 Application of the Utilities to part of the Interlaken Ramsar Site</p> <p>Change of zone from Rural Resource to Utilities</p> <p>FR 7122924 FR 7122924 PID 7122924</p>	<p><b>LPS</b></p> <p><b>Interlaken Ramsar Site</b></p>	<p><b>IPS</b></p> <p><b>Interlaken Ramsar Site</b></p>	<p>With reference to EMZ 1 of Guideline No 1, consider land that forms the Ramsar Site (an internationally listed wetland under the Convention on Wetlands of International Importance) to be zoned Environmental Management.</p> <p>It is noted that PID 7122924 is owned by DPIPWE and identified as the 'Dago Point Camping Ground' at 2716 Interlaken Road, Interlaken. PID 7122924 also forms part of the Interlaken Ramsar Site.</p> <p>All land identified as forming part of the Ramsar Site, including FR 7122924, FR 7122924 and PID 7122924 needs to be revised from the Utilities Zone and zoned Environmental Management.</p> <p>The Australia Government identifies the area of the Ramsar Site below.</p>	

			<p><b>Interlaken Ramsar Site</b></p> 	<p><b>Interlaken Ramsar Site (green)</b></p> 	
<p>2.2 Walkway – Wigrams Way, London Lakes</p> <p>Change of zone from Rural Resource to Low Density Residential</p> <p>FR 144620/1</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>It is noted that Council has requested, as part of its responses on 31 October 2020 to the post-lodgement conference, an additional zoning change.</p> <p>It is also noted that the zoning of the relocated walkway at Wigrams Way, London Lakes, CT144620/1, to Low Density Residential was endorsed by the Central Highlands Council at the 20 October 2020 meeting.</p> <p>Could the PA provide a copy of the Council minutes that endorses this modification to the draft LPS to the Commission.</p>		
<p><b>3.0. ZONING IN THE LAKE MEADOWBANK AREA</b></p>					
<p>3.1 Lake Meadowbank</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Including titles:</p> <p>FR 169820/1</p> <p>FR 169820/1</p> <p>FR 163527/1</p> <p>FR 138542/4</p>	<p><b>LPS</b></p> 	<p><b>IPS</b></p> 	<p>The titles FR 169820/1, FR 169820/1, FR 163527/1 and FR 138542/4 are mapped as ‘unconstrained land’ for agriculture as part of the LPSAZ, with a land capability of 4 and 5.</p> <p>Noting the PAs responses on 31 October 2020, the PA to review the application of zoning in the Lake Meadowbank area, including to land within the area where the Lake Meadowbank Specific Area Plan applies, in light of responses to the draft Lake Meadowbank SAP in Attachment 1.</p> <p>For titles that are mapped as ‘unconstrained land’ as part of the LPSAZ, if the PA proposes an alternative zone for land that is mapped as ‘unconstrained land’ for agriculture, the zoning needs to be verified by a suitably qualified person.</p>		
<p><b>4.0 OTHER MATTERS</b></p>					
<p>4.1 Attenuation Code C9.0 - Overlay</p> <p>Great Lake Hotel sewerage treatment ponds</p> <p>FR 7148876</p>	<p>The PA advises a modification to the C9.0 Attenuation Code overlay as it applies to the Great Lake Hotel sewerage treatment ponds – given that the ponds have been decommissioned and the hotel is serviced by an onsite wastewater treatment system. The PAs advice is noted that the associated attenuation area is no longer required.</p> <p>It is also noted that the removal of the Attenuation Code overlay from the sewerage treatment ponds at the Great Lake Hotel was endorsed by the Central Highlands Council at the 20 October 2020 meeting.</p>		<p>It is noted that Council has requested, as part of its responses on 31 October 2020, a change to the C9.0 Attenuation Code overlay.</p> <p>The Attenuation Area overlay is a transitioning provision under the code-applying provisions subject to Schedule 6, Clause 8D(2) of the Act.</p> <p>The PA to note that the Attenuation Area overlay is a transitioning provision and therefore, the proposed removal of the Attenuation Code overlay to the Great Lake Hotel sewerage treatment ponds will need to be considered after the LPS has been approved.</p>		



13 January 2021

Ms Claire Hynes  
Delegate  
Tasmanian Planning Commission  
GPO Box 1691  
HOBART TAS 7001

Emailed to: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Ms Hynes

**DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE  
RE: CORRESPONDENCE FROM COMMISSION DATED 23 DECEMBER 2020**

I refer to the correspondence from the Tasmanian Planning Commission dated 23 December 2020 pertaining to the Central Highlands Draft Local Provisions Schedule and advise the following:

1. In regard to the allocation of the Rural and Agriculture Zones, Council cannot respond to the Commission's questions until the status of the AK Consulting report '*Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones*' is clarified. Whilst Council representatives have been verbally advised by Commission officers that this report does have standing, the Commission's questions of 23 December indicates it does not.

If it does not have standing in the Commission's eyes, Council seeks an explanation. This report was funded by the State at the express request of the Southern Councils to guide the allocation of the Rural and Agriculture Zones in the formulation of their Local Provisions Schedules. At the time, this approach was endorsed by Government and Commission representatives.

This was in recognition of the fact that the '*Land Potentially Suitable for the Agriculture Zone*', (the LPSAZ), is a broad-brush tool and not necessarily correct at the property level. Its outcomes are merely a starting point and, whilst correct in the majority of cases, the proposed zoning therein needs to be tested against more detailed local-level analysis.

The makers of the LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. The constraints analysis that was utilised was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was not feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered.



The AK Consulting Decision Tree takes the LPSAZ as a base and adds a standard methodology to enable planners to consider the facts on the ground and to decide whether land should be Rural or Agriculture Zone. It clearly sets out the circumstances in which land in the LPSAZ should in fact be zoned Rural and, conversely, where land not in the LPSAZ should be zoned Agriculture. The Decision Tree document states that only if, after its guidelines have been applied, it is still uncertain which zone should be used, it would be necessary for an expert consultant to be engaged to make a determination.

The Decision Tree document should be given standing by the State's Guideline No.1 (AZ1(a)) as it was developed by suitably qualified agricultural consultants and its application by qualified planners constitutes an agricultural land analysis undertaken at the regional level which incorporates more recent analysis, better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils. It enables planners to enact AZ6(a) of Guideline No.1, which provides for alternative zoning to that suggested by the LPSAZ where *local or region strategic analysis has identified or justifies the need*. The application of the Decision Tree rules provides this.

If the AK Consulting Decision Tree cannot be used, Council will be forced to expend considerable financial resources to engage agricultural consultants, (which in its view would be unnecessary), and the progression of the draft LPS will be further delayed.

2. In regard to the spatial extent of heritage place listings on rural properties, Council seeks a full explanation as to why the removal of superfluous titles, that have now been removed from the corresponding Tasmanian Heritage Register listings, cannot be allowed in the LPS. These listings unnecessarily encumber many hundreds of hectares of Central Highlands land with 'heritage listing' status. This is land where there is, and never has been, a deliberate decision to list the land.

The situation, where rural titles have been unnecessarily included on heritage lists, has arisen through a series of 'accidents of history':

- In the 1970s and 1980s planning schemes listed heritage properties simply by name (if there was one) and address. The spatial extent of the listing was not defined. This was not generally a problem for listings in cities and towns - on small urban titles. However, for large rural properties, there was always some doubt as to the spatial extent of the listing.
- In the 1990s the Tasmanian Heritage Register (THR) was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate and that of the National Trust.
- The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title on which the place was located. The title was almost invariably adopted as there were no resources at the time for expert examination of thousands of listings to define a spatial extent, other than the title(s). Again, this was not generally a problem for listings in cities and towns.
- However, for large rural properties containing many titles, all the titles within a landholding were often adopted. Therefore, whilst the principle title containing, for example, a heritage

house, barn and other historic outbuildings was rightfully included, also included were the property's other titles containing hundreds of hectares.

- Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including that of Central Highlands Council.
- Thus, properties made up of multiple titles now find themselves with hundreds of hectares unintentionally encumbered by a statutory heritage listing.

In recent years the Tasmanian Heritage Council has been expending considerable resources to review Tasmania's rural listings and make amendments to the Tasmanian Heritage Register to remove superfluous titles. Most THR listings in Central Highlands have thus been corrected.

Such corrections, however, do not automatically flow through to the local listing in the local planning scheme. In order to correct these local listings Councils would have to embark on its own expensive and time-consuming planning scheme amendments.

The current creation of the Local Provisions Schedules for the Tasmanian Planning Scheme presents a golden opportunity to correct the great majority of rural listings by simply bringing the local list back into alignment with the state list, which has been amended with due care and involvement of professional assessment. The current interpretation of the legislation by the Commission, however, is allowing this opportunity to slip by.

It could well be argued that the removal of superfluous titles should be seen in the same light as the correction of incorrect title references or street addresses that the Commission is allowing in the LPS list.

Noting that Council's policy is that its local heritage list is to only include properties that are on the Tasmanian Heritage Register, Council foreshadows that if its list cannot be corrected as outlined above, it will remove the list entirely from the draft LPS.

3. In regard to the Draft Lake Meadowbank Specific Area Plan, Council cannot respond to the Commission's request that Council provide justification for its inclusion in the LPS until the Commission provides feedback on the rationale Council has already provided, being:
  - (i). *Lake Meadowbank is the premier water-skiing facility in Tasmania. Council wants to allow this recreation facility of state-wide strategic importance to expand, both on and off the water. This includes clubrooms and other shore-based facilities, water-edge facilities such as jetties, pontoons, boat ramps and on-water recreational infrastructure. For these reasons the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
  - (ii). *These water-edge and on-water facilities, however, also need to be shared and consolidated so that the current unsystematic proliferation trend is halted and potentially reversed. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
  - (iii). *As the lake's status as the State's premier water-skiing location grows, more accommodation will need to be allowed around the lake, over a range of modes including camping, caravans and holiday cabins. This needs clear siting criteria to ensure the lake's landscape values are not destroyed by, for example, numerous buildings close to the water's edge. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

- (iv). *Many operational Hydro lakes and have a degree of recreational use. The difference with Lake Meadowbank is the high degree of recreational use arising from its close proximity to greater Hobart, the specific nature of that use (predominantly; the State's premier water-skiing facility) and associated pressures for more accommodation / housing / camping and aquatic structures. A Specific Area Plan is required to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- (v). *This high-level of specific water-based recreational activities and development pressures pose particular management challenges for Hydro Tasmania, over and above that which exist for other lakes where water-based recreation occurs. Development applications for sites close to the foreshore should be referred to Hydro Tasmania for comment. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*
- (vi). *The agricultural value of the land is not highly significant, whilst the economic and social values of the lake as the State's premier water-skiing facility are highly significant. The scheme provisions should lean in favour of the recreational use within the SAP area. The SAP is necessary to do this.*
- (vii). *The land around the lake contains highly significant Aboriginal heritage sites. Development applications involving buildings and works should be referred to AHT for comment. The SAP is necessary to do this. For this reason, the SAP is necessary pursuant to Section 32(4)(a) of the Act.*
- (viii). *The Landscape Conservation Zone is not used in the Central Highlands LPS and, in any case, would not suit this special area. The proposed SAP, in part, introduces some aspects of this zone. For this reason, the SAP is necessary pursuant to Section 32(4)(b) of the Act.*

It would be appreciated if the Commission's assessment of this rationale can be provided.

To discuss the above, please contact me at on 0499 782 584, or by email on: [dmackey@southernmidlands.tas.gov.au](mailto:dmackey@southernmidlands.tas.gov.au)

Sincerely



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CENTRAL HIGHLANDS COUNCIL  
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Robyn Lewis,  
Public Officer,  
Central Highlands Tasmania Wildlife Group,  
PO Box 488, North Hobart. 7002.

5 January 2021

The Hon MHA Ferguson,  
Minister for State Growth,  
Tasmania

Dear Minister Ferguson,

The Central Highlands Tasmania Wildlife Group and the Central Highlands Council would like the permission of your Department to lower the 80kph speed limit in the town of Miena in the Central Highlands to 60kph for the following reasons:

- to improve public safety
- to reduce accidents and animal roadkill
- to help make Miena a safer and more attractive tourist and fishing destination
- to reduce noise for residents and holidaymakers, and
- to raise awareness of the impact of speeding on Tasmania's wildlife.

As you are aware, relatively recently the Lakes Highway has been sealed along its length. This has resulted in increased traffic volume, especially of trucks, and also appears to have made drivers less cognisant of the fact that Miena is a town/community, and not just a place to speed through. Regularly trucks are seen and heard travelling at what must be 100 kph or more, especially at night and in the very early mornings (when fishing people are out using the roads also, often towing boats), and truck speeds are often not much less during the day. With only one policeman on duty in the Highlands, and most trucks being equipped with radio, it is extremely easy for drivers to avoid detection (and even for cars), so there is little control.

The 80kph speed limit in Miena is unusual as most Tasmanian towns where there is no footpath have a 60kph speed limit. In Miena your Department, together with the Central Highlands Council, has been implementing limited access control to provide road safety. This collaboration between the Department and the Council has largely prevented the proliferation of private driveways directly onto the Lakes Highway and this collaboration is exemplary in Tasmania.

However, the unintended consequence of this strategy is that there are many wild animals killed and injured in Miena and along the Lakes Highway due to speed, particularly at dusk and night-time (which we inadvertently document, having to collect and care for the resulting orphans for up to 2 years per animal). This is disturbing to many community members, to tourists and to those providing tourist accommodation and services etc, and creates a lot of avoidable work for our Group. Roadkill, and wildlife injuries are also a major concern for many members of the wider Tasmanian community.

On Australia Day 26<sup>th</sup> January 2021 the Central Highlands Tasmania Wildlife Group will be presented with an Appreciation Award by the Central Highlands Council. This award recognises the voluntary work that our Group has done in rescuing, rehabilitating and feeding wildlife since the 2019 bush

fires that destroyed 55,000 ha of significant Central Highlands habitat. Many animals and birds etc were saved by this work, which was conducted with WildCare and the approval of National Parks, and which continued for 9 months though to November 2020 until sufficient regrowth occurred for the animals to be able to forage for themselves. This work also saw us become a Finalist in the Community Group of the Year category of the Tasmanian Community Achievement Awards 2020, and is in addition to our continuing programs for treating wombat mange (which has now reached the Highlands), developing and implementing a wildlife carer training program, and other wildlife-related community activities based in Miena.

Our proposal for a lowered speed zone in Miena will be supported by signage to raise driver awareness and will also promote road safety outcomes.

If it were possible for this Department approval to be arranged prior to Australia Day, I expect to be able to arrange the announcement of the lowered speed limit as part of the forthcoming Australia Day celebrations. The group has enjoyed strong interest and coverage from the ABC. I would be happy to mention the support of the State government in this matter.

Could you, or a member of your office or department please contact me to progress this matter, with by email on [robyn@honde.com](mailto:robyn@honde.com) or mob 0419 130 516.

Wishing you a happy and successful New Year,

Kind regards

*Robyn Lewis*

Robyn Lewis,  
Public Officer,  
Central Highlands Tasmania Wildlife Group.

## **Tasmanian Civil and Administrative Tribunal Amendment Bill 2020**

On 18 March 2020, the Government announced that a Tasmanian Civil and Administrative Tribunal (TasCAT) will be established to streamline services and improve access to justice in Tasmania.

As a first step towards the establishment of TasCAT, the following Tribunals and Boards co-located at new tribunal premises at Barrack Street, Hobart in July 2020:

- The Anti-Discrimination Tribunal;
- The Asbestos Compensation Tribunal;
- The Forest Practices Tribunal;
- The Guardianship and Administration Board;
- The Health Practitioners Tribunal;
- The Mental Health Tribunal;
- The Motor Accident Compensation Tribunal;
- The Resource Management and Planning Appeal Tribunal; and
- The Workers Rehabilitation and Compensation Tribunal.

The *Tasmanian Civil and Administrative Tribunal Bill 2020* passed Parliament on 15 October 2020 and further legislation to expand TasCAT's jurisdiction is being prepared.

I have enclosed a draft version of the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2020* which is the second of at least two Bills that will be tabled in Parliament as part of the establishment of TasCAT.

This Bill:

- Sets out how the Tribunal is to be constituted in a particular matter;
- Establishes the original jurisdiction of TasCAT and the review jurisdiction of TasCAT;
- Provides for further powers and procedures for TasCAT (e.g. costs, appeals, ADR);
- Provides for referral of matters from TasCAT to the Magistrates Court Civil Division for matters that involve Federal diversity jurisdiction; and
- Sets out the transitional arrangements allowing current Tribunal/Board members to be transferred to TasCAT from the commencement date of TasCat.

In addition to this Bill, there will be a further bill setting out consequential amendments to a range of legislation in order to confer jurisdiction on to TasCAT within both its original and review jurisdictions, which will be consulted on in 2021.

Please provide any submissions on the draft Bill by Monday 8 February 2021.

Submissions can be made in one of the following ways:

1. Online via our [Public Consultation website](#)
2. By email to [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)
3. By post to:

Department of Justice  
Office of the Secretary  
GPO Box 825  
HOBART TAS 7001

Please note that this consultation process is subject to the Government's 'Publication of Submissions Received by Tasmanian Government Departments in Response to Consultation on Major Policy Issues' policy, which can be accessed through the [Department of Premier and Cabinet's website](#).

Under this policy, submissions will be made publicly available on the Department of Justice website unless, for instance, the submitting party requests that their submission remain confidential, or it contains material that is defamatory or offensive.

If you would like your submission to be treated as confidential, please indicate this in writing at the time of making your submission, including the reasons why.

Submissions that have not been marked as confidential and which meet publication guidelines will be published once they have been considered by the Government.

If you have any questions about the Bill, please contact David Sealy, Senior Project Officer (6165 7500 or [david.sealy@justice.tas.gov.au](mailto:david.sealy@justice.tas.gov.au)).

Thank you for considering the Bill.



Kerrie Crowder  
**Acting Deputy Secretary – Corrections & Justice**

22 December 2020

## TASMANIA

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### TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2020

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# TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2020

*(Brought in by the Minister for Justice, the Honourable Elise  
Nicole Archer)*

## A BILL FOR

### **An Act to amend the *Tasmanian Civil and Administrative Tribunal Act 2020***

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

#### **1. Short title**

This Act may be cited as the *Tasmanian Civil  
and Administrative Tribunal Amendment Act  
2020*.

#### **2. Commencement**

The provisions of this Act commence on a day  
or days to be proclaimed.

#### **3. Principal Act**

In this Act, the *Tasmanian Civil and  
Administrative Tribunal Act 2020*\* is referred to  
as the Principal Act.

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\*No. 24 of 2020

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**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *Acting President* in subsection (1):

***applicant*** means –

- (a) in the context of the Tribunal’s review jurisdiction, the person who –
- (i) applies to the Tribunal for a review; or
  - (ii) otherwise brings a matter before the Tribunal; or
  - (iii) requests, requires, or otherwise seeks that a matter be referred to, or otherwise brought before, the Tribunal; and
- (b) in any other context, the person who –

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- (i) brings a matter before the Tribunal; or
- (ii) requests, requires, or otherwise seeks that a matter be referred to, or otherwise brought before, the Tribunal –

but unless and to the extent that the rules otherwise provide, does not include a person who is required by this Act or a relevant Act to refer a matter to the Tribunal, or otherwise bring a matter before the Tribunal, as sought by another person;

- (b) by omitting the definition of *code of conduct* from subsection (1) and substituting the following definitions:

***code of conduct*** means the code of conduct issued under section 144;

***decision*** of the Tribunal includes a direction, determination or order of the Tribunal but, in prescribed circumstances, does not include an interlocutory direction, determination or order;

***decision-maker*** – see section 75(3);

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- (c) by inserting the following definitions after the definition of *establishment day* in subsection (1):

***evidentiary material*** includes any document, object or substance of evidentiary value in proceedings before the Tribunal and includes any other document, object or substance that should, in the opinion of the Tribunal, be produced for the purpose of enabling the Tribunal to determine whether or not it has evidentiary value;

***legally qualified member*** means –

- (a) the President; or
  - (b) a magistrate who is a member of the Tribunal; or
  - (c) another member of the Tribunal who is an Australian lawyer of at least 5 years' standing as an Australian legal practitioner;
- (d) by inserting the following definitions after the definition of *members of the staff of the Tribunal* in subsection (1):

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***Mental Health stream*** means the stream referred to in Part 4 of Schedule 3;

***monetary order*** means an order of the Tribunal requiring the payment of money and includes –

- (a) an order made for the payment of a fine or other pecuniary penalty; and
  - (b) an order as to the payment of any costs; and
  - (c) an order for the payment of compensation for breach of an Act;
- (e) by inserting the following definition after the definition of *ordinary member* in subsection (1):

***original jurisdiction*** of the Tribunal – see Division 2 of Part 7;

- (f) by inserting the following definition after the definition of *relevant Board or Tribunal* in subsection (1):

***reviewable decision*** – see section 75(2);

- (g) by omitting “under section 66(5)” from the definition of *Rules Committee* in

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subsection (1) and substituting “under section 142”;

(h) by omitting “section 67” from the definition of *rules of the Tribunal* in subsection (1) and substituting “section 143”;

(i) by inserting the following subsection after subsection (2):

(3) If under a relevant Act a person’s failure or omission to do something is reviewable under this Act as a decision –

(a) this Act applies as if that person had made that decision; and

(b) any provision of the relevant Act as to when the decision is taken to have been made has effect.

**5. Part 4 repealed**

Part 4 of the Principal Act is repealed.

**6. Part 6 substituted**

Part 6 of the Principal Act is repealed and the following Parts are substituted:

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**PART 6 – CONSTITUTION OF TRIBUNAL**

**64. Constitution of Tribunal**

- (1) Subject to this Part, the President may determine, in relation to a particular matter or matters, or particular classes of matters, which member or members of the Tribunal will constitute the Tribunal.
- (2) The Tribunal is not to be constituted by more than 5 members.
- (3) A person is not to be a sitting member of the Tribunal, or perform any function as a member of the Tribunal, in relation to a matter in the review jurisdiction of the Tribunal if the person was –
  - (a) the decision-maker in relation to that matter; or
  - (b) a member of a body that was the decision-maker in relation to that matter.
- (4) The Tribunal may be constituted by –
  - (a) a registrar for the purpose of adjourning proceedings; or
  - (b) a registrar, or other member of the staff of the Tribunal, for any other purpose that is –

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- (i) specified by this Act or a relevant Act; or
  - (ii) prescribed by the rules of the Tribunal; or
  - (iii) determined by the President.
- (5) If a registrar or other member of the staff of the Tribunal exercises the jurisdiction of the Tribunal, the registrar or other member of the staff may, and must if the Tribunal or the President so directs, refer the matter to the Tribunal for determination by the Tribunal.

**65. Alteration of constitution of Tribunal and provision for separate dealing with aspects of matters**

- (1) The President may, as he or she considers fit, do either or both of the following:
  - (a) alter who is to constitute the Tribunal for the purpose of dealing with a matter, or anything relating to a matter, after the Tribunal has begun to deal with the matter;
  - (b) provide that different aspects of the same matter may be dealt



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with by different members of the  
Tribunal.

- (2) If the President alters the constitution of the Tribunal under subsection (1)(a), the Tribunal as constituted after the alteration may have regard to –
  - (a) any record of the proceedings of the Tribunal in relation to the matter before the alteration; and
  - (b) any evidence taken in the proceedings before the alteration.
- (3) If the President provides under subsection (1)(b) that different aspects of the same matter may be dealt with by different members of the Tribunal, the members of the Tribunal may, during or after dealing with the different aspects of a matter, come together and have regard to any evidence taken by the respective members of the Tribunal for the purposes of the proceedings of the Tribunal.
- (4) The Tribunal may, at any one time, be separately constituted in accordance with this section for the hearing and determination of any number of separate matters.
- (5) The Tribunal may, if it considers it appropriate to do so, organise its business and regulate proceedings before the Tribunal in such a way that 2 or more

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proceedings in respect of the same matter  
are heard together.

**66. Relationship with relevant Act**

If a provision of this Part and the provisions of a relevant Act deal with the manner in which the Tribunal is to be constituted for the purposes of proceedings or any other business under a relevant Act, the provision of the relevant Act applies to the extent of the inconsistency.

**67. Who presides at proceedings of Tribunal**

- (1) If, for dealing with a particular matter, the Tribunal is constituted by 2 or more members, the most senior of them is to preside at the proceedings of the Tribunal.
- (2) The seniority of members of the Tribunal depends on which of the offices held takes precedence and, if that does not determine a member's seniority, the matter is to be resolved by the President.
- (3) The order of precedence of offices is as follows:
  - (a) President;
  - (b) Deputy President;

- (c) senior member;
- (d) ordinary member.

**68. Decision if 2 or more members constitute Tribunal**

If the Tribunal is constituted by 2 or more members, a question they are required to decide is resolved, unless section 69 applies, according to the opinion of the majority of them but, if their opinions on the question are equally divided, the question is to be resolved according to the opinion of the presiding member.

**69. Determination of questions of law**

The member of the Tribunal constituting the Tribunal or, if the Tribunal is constituted by 2 or more members, the presiding member, may refer a question of law to a judge of the Supreme Court.

**70. Validity of acts of Tribunal**

An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in the membership of, or a defect in the appointment of a person to, the Tribunal or a panel from which members of the Tribunal are drawn, or a defect in the

appointment of any other person to act on  
behalf of the Tribunal.

**71. Disclosure of interest by members of  
Tribunal**

If the Tribunal is constituted of, or  
includes, a member who has a pecuniary  
or other interest that could conflict with  
the proper performance of the member's  
functions in proceedings before the  
Tribunal, the member –

- (a) must disclose the interest to the  
parties to the proceedings; and
- (b) must disclose the interest to the  
President or, if the President is  
the member with the interest,  
make a record of the interest and  
declare whether he or she will  
withdraw from the proceedings;  
and
- (c) must not take part in the  
proceedings or exercise powers  
affecting the proceedings –
  - (i) if the President directs the  
member to withdraw from  
the proceedings or has  
declared that he or she  
will withdraw from the  
proceedings; or

- (ii) if a party to the proceedings does not consent to the member hearing and determining, or participating in the hearing and determination of, the proceedings.

## **72. Delegation**

- (1) The President of the Tribunal may delegate a function or power of the President under this or any other Act –
  - (a) to another member of the Tribunal; or
  - (b) to a member of the staff of the Tribunal; or
  - (c) to the person (being either a member of the Tribunal or a member of the staff of the Tribunal) for the time being performing particular duties or holding or acting in a particular position.
- (2) A delegation under subsection (1) –
  - (a) must be made by instrument in writing; and
  - (b) may be conditional; and

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- (c) does not derogate from the ability of the President to act in any matter; and
- (d) is revocable at will by the President.

consultation draft

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**PART 7 – JURISDICTION OF TRIBUNAL**  
***Division 1 – Jurisdiction***

**73. Jurisdiction of Tribunal**

- (1) The Tribunal has the jurisdiction conferred on it by or under this or any other Act.
- (2) Without limiting subsection (1), if a provision of an Act enables an application, referral or appeal to be made to the Tribunal, or a claim to be brought before the Tribunal, the Act will be taken to confer jurisdiction on the Tribunal to deal with the matter concerned.
- (3) A matter in which the Tribunal has jurisdiction comes within –
  - (a) its original jurisdiction; or
  - (b) its review jurisdiction.

***Division 2 – Original jurisdiction***

**74. Original jurisdiction**

- (1) Subject to subsection (2), if a relevant Act confers on the Tribunal jurisdiction to deal with a matter that does not involve a reviewable decision within the meaning of section 75, the matter comes within the Tribunal's original jurisdiction.

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- (2) Subject to subsections (3) and (4), the Tribunal will, in its original jurisdiction, depending on the nature of the matter –
  - (a) act as the original decision-maker in the matter and accordingly apply those principles which, according to law, are to be applied to bodies that make such decisions pursuant to statute; or
  - (b) resolve a dispute between parties to the relevant proceedings; or
  - (c) adopt any other course of action that the Tribunal considers appropriate to deal with the matter.
- (3) In exercising its original jurisdiction, the Tribunal is to deal with a matter in accordance with this Act and the relevant Act.
- (4) The relevant Act may modify the operation of this Act in relation to a matter that comes within the Tribunal's original jurisdiction.

***Division 3 – Review jurisdiction***

**75. Decisions within review jurisdiction**

- (1) If the matter that a relevant Act confers on the Tribunal jurisdiction to deal with a



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matter that expressly or necessarily involves a review of a decision (a ***reviewable decision***), the matter comes within the Tribunal's review jurisdiction.

(2) For the purposes of subsection (1) and the other sections of this Part, and subject to the provisions of a relevant Act, a reviewable decision is –

- (a) a decision made by the Crown or an agency or instrumentality of the Crown; or
- (b) a decision made by a prescribed person or body; or
- (c) a prescribed decision or class of decisions –

but does not include a decision made by a person or body or a decision, or class of decisions, excluded by the regulations.

(3) For the purposes of this Act –

- (a) unless paragraph (b) applies, the ***decision-maker*** for a reviewable decision is the person or body that made or is taken to have made the reviewable decision; and
- (b) the rules may provide –

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(i) that the decision-maker for a reviewable decision, instead of being the person or body under paragraph (a), is to be a person or body that is assigned by the rules as being a suitable entity to act as the decision-maker for the purposes of this Act or specified provisions of this Act; or

(ii) that a reference to the decision-maker for a reviewable decision in this Act, or specified provisions of this Act, will be taken to include a reference to a person or body that is designated by the rules as being a suitable entity to act jointly with the person or body under paragraph (a) for the purposes of this Act (or specified provisions of this Act) –

and rules made under this paragraph will then have effect in accordance with their terms.

(4) Subject to subsections (5), (6) and (7), the Tribunal, in exercising its review

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jurisdiction, is to examine the decision of the decision-maker by way of rehearing.

- (5) On a rehearing, the Tribunal must reach the correct or preferable decision but in doing so must have regard to, and give appropriate weight to, the decision of the original decision-maker.
- (6) A procedure on a rehearing is to include –
  - (a) an examination of the evidence or material before the decision-maker, unless any such evidence or material is to be excluded under another provision of this Act or under any other law; and
  - (b) a consideration of any further evidence or material that the Tribunal decides, in the circumstances of the particular case, to admit for the purposes of rehearing the matter.
- (7) In exercising its review jurisdiction, the Tribunal is to deal with a matter in accordance with this Act and the relevant Act.
- (8) The relevant Act may modify the operation of this Act in relation to a matter that comes within the Tribunal's review jurisdiction.

**76. Decision-maker must assist Tribunal**

- (1) In proceedings for the review of a reviewable decision, the decision-maker for the reviewable decision must use his or her best endeavours to help the Tribunal so that it can make its decision on the review.
- (2) Without limiting subsection (1), the decision-maker must provide the following to the Tribunal within a reasonable period and in any event within the time prescribed by the regulations:
  - (a) a written statement of the reasons for the decision;
  - (b) any document or thing in the decision-maker's possession or control that may be relevant to the Tribunal's review of the decision.
- (3) The decision-maker must, in providing any document or thing under subsection (2), take reasonable steps to identify the documents or things that were taken into account in making the relevant decision.
- (4) If the Tribunal considers that there are additional documents or things in the decision-maker's possession or control that may be relevant to the Tribunal's

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review of the reviewable decision, the Tribunal may, by written notice, require the decision-maker to provide the documents or things.

- (5) If the Tribunal considers that the statement of reasons given under subsection (2)(a) is not adequate, the Tribunal may, by written notice, require the decision-maker to give the Tribunal an additional statement containing further particulars specified in the notice.
- (6) The decision-maker must comply with a notice given under subsection (4) or (5) within the period stated in the notice.
- (7) A requirement under this section that the decision-maker give the Tribunal information or a document or thing applies despite any provision in another Act prohibiting or restricting the disclosure of the information or the information contained in the document or thing.
- (8) The Tribunal may examine any document or thing provided under this section and draw any conclusions of fact that it considers proper.

**77. Effect of review proceedings on decision being reviewed**

- (1) The commencement of proceedings for the review of a decision does not affect the operation of the decision or prevent the taking of action to implement the decision unless –
  - (a) the relevant Act states otherwise; or
  - (b) an order is made under subsection (2).
- (2) On or after the commencement of proceedings for the review of a decision, the Tribunal or the decision-maker may, on application or on its own initiative, make an order staying or varying the operation or the implementation of the whole or a part of the reviewable decision pending the determination of the matter, or until such time (whether before or after the determination of the matter) as the Tribunal or the decision-maker may specify, if the Tribunal, or the decision-maker, is satisfied that it is just and reasonable in the circumstances to make the order.
- (3) An order by the Tribunal or the decision-maker under this section –

- (a) is subject to the conditions, if any, that are specified in the order; and
- (b) may be varied or revoked –
  - (i) in any case – by further order of the Tribunal; or
  - (ii) if the order was made by the decision-maker – by further order by the decision-maker or the Tribunal.

**78. Decision on review**

- (1) The Tribunal, on a review under this Division, may –
  - (a) affirm the decision that is being reviewed; or
  - (b) vary the decision that is being reviewed; or
  - (c) set aside the decision being reviewed and –
    - (i) substitute its own decision; or
    - (ii) send the matter back to the decision-maker for reconsideration in accordance with any

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directions or  
recommendations that the  
Tribunal considers  
appropriate –

and, in any case, may make any order  
that the Tribunal considers appropriate.

- (2) The reference in subsection (1) to an  
order includes a reference to –
- (a) an interim order pending the  
reconsideration and determination  
of the matter by the decision-  
maker; and
  - (b) any ancillary or consequential  
order –

that the Tribunal considers appropriate.

- (3) The fact that a decision is made on  
reconsideration under  
subsection (1)(c)(ii) does not prevent the  
decision from being open to review by  
the Tribunal.
- (4) The decision-maker's decision as  
affirmed or varied by the Tribunal or a  
decision that the Tribunal substitutes for  
the decision-maker's decision –
- (a) is to be regarded as, and given  
effect as, a decision of the  
decision-maker; and



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- (b) unless the relevant Act states otherwise or the Tribunal orders otherwise, is to be regarded as having effect from the time when the decision reviewed would have, or would have had, effect.
- (5) Without limiting subsection (4)(a), the decision-maker has power to do anything necessary to implement the Tribunal's decision.
- (6) Despite subsection (4)(a), the decision as affirmed, varied or substituted is not again open to review before the Tribunal as a decision of the decision-maker, but may be subject to appeal under this Act.

**79. Tribunal may invite decision-maker to reconsider decision**

- (1) At any stage of proceedings for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
- (2) On being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –
  - (a) affirm the decision; or
  - (b) vary the decision; or

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- (c) set aside the decision and substitute a new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceedings for a review are withdrawn, the proceedings will then be taken to be for –
  - (a) the review of the decision as varied; or
  - (b) the review of the substituted decision.
- (4) The Tribunal may specify a period within which the decision-maker should act under this section and, if the decision-maker does not take action within that period, then the Tribunal may resume its proceedings under this Division in the manner it considers fit.

## **PART 8 – DIVERSITY PROCEEDINGS**

### **80. Interpretation**

- (1) In this Part –

***federal diversity jurisdiction*** means jurisdiction of the kind referred to in section 75(iii) or (iv) of the Constitution of the Commonwealth;

*rules of the Court* means the rules of the Court made under the *Magistrates Court (Civil Division) Act 1992*;

*transferred proceedings* – see section 81.

- (2) For the purposes of this Part, a reference to the making of an application, or an application made, to the Tribunal is taken to include the referral of a matter to, or otherwise bringing of a matter before, the Tribunal.

**81. Transfer of applications involving federal diversity jurisdiction to Magistrates Court**

- (1) If a person has standing to make an application to the Tribunal in the exercise of its original jurisdiction under section 74 or its review jurisdiction under section 75, the application may be determined by the Magistrates Court in accordance with this Part instead of the Tribunal.
- (2) If, following an application made to the Tribunal in the manner and form required under this Act for the kind of application concerned, the Tribunal considers that –
- (a) it does not have, or there is some doubt as to whether it has, jurisdiction to determine the

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application because its determination may involve the exercise of federal diversity jurisdiction; and

- (b) the Tribunal would otherwise have had jurisdiction enabling it to determine the application –

the Tribunal may order that proceedings on the application be transferred to the Magistrates Court.

- (3) Proceedings transferred to the Magistrates Court under subsection (2) are *transferred proceedings*.

- (4) If proceedings are transferred to the Magistrates Court under this Part –

- (a) the application made to the Tribunal will be taken to be duly made as an application to the Court; and

- (b) the proceedings may be continued and completed as if steps taken in the proceedings prior to the transfer had been taken in the Court.

- (5) The fee payable in respect of the application is the relevant fee (if any) payable to the Tribunal under this Act.

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- (6) A party to the transferred proceedings is not required to pay any fees in relation to the transfer of the proceedings to the Magistrates Court unless the Court determines that additional fees are payable under the *Magistrates Court (Civil Division) Act 1992* because of a substantial alteration in the nature of the claims in the proceedings.
- (7) An order made by the Tribunal under subsection (2) may not be the subject of review or appeal under Part 10 of this Act.
- (8) The Magistrates Court may remit the transferred proceedings to the Tribunal for determination if the Court is satisfied that the Tribunal has jurisdiction to determine the matter.
- (9) If the Magistrates Court remits the transferred proceedings to the Tribunal, the Court may make the orders, if any, that it considers appropriate to facilitate the determination of the proceedings by the Tribunal.
- (10) The Tribunal must determine transferred proceedings that are remitted to it in accordance with any orders made by the Magistrates Court.

**82. Magistrates Court proceedings, jurisdiction, powers and functions, &c.**

- (1) Transferred proceedings are taken to have been commenced in the Magistrates Court on the day on which the application to which the proceedings relate was first made to the Tribunal.
- (2) Subsection (1) applies despite any limitation period under the *Limitation Act 1974* or any relevant Act that applies to the application concerned, if the application was lodged with the Tribunal before the expiry of the period.
- (3) The Magistrates Court has, and may exercise, all of the jurisdiction, powers and functions in relation to the transferred proceedings that the Tribunal would have if it could exercise federal diversity jurisdiction, including jurisdiction, powers and functions conferred or imposed on the Tribunal by or under this Act or a relevant Act.
- (4) The practices and procedures that apply to the Tribunal under this Act (including the rules) or a relevant Act will apply to the Magistrates Court in respect of the transferred proceedings unless, and to such extent as, the Court determines otherwise.

- (5) The Magistrates Court may make the orders, including in relation to the Tribunal, that it considers appropriate to facilitate its determination of the transferred proceedings.

**83. Modifications of certain functions, powers and procedures, &c.**

Despite section 82, the following provisions apply in relation to transferred proceedings:

- (a) the Magistrates Court is to be constituted as provided by or under the *Magistrates Court (Civil Division) Act 1992* instead of as provided by or under this Act or a relevant Act;
- (b) subject to the provisions of a relevant Act and the rules of the Court, a party to the proceedings is entitled to be represented by a legal practitioner or, with leave of the Magistrates Court, by another person, but only in the circumstances that the Tribunal would be permitted to allow if the proceedings were before the Tribunal;
- (c) the law applicable to reviews of, or appeals against, decisions of the Magistrates Court applies to

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decisions of the Court in the transferred proceedings instead of Part 10 of this Act, but the Court may make an order staying the operation of the relevant decision, including the decision of a relevant decision-maker, until the proceedings are finally decided, on the conditions, if any, specified in the order;

- (d) the Magistrates Court may award costs in the proceedings only in the circumstances that the Tribunal would be permitted to award them, and the costs are to be assessed in the same way as they would be, if the proceedings were before the Tribunal;
- (e) the Magistrates Court may make orders giving effect to any settlement reached by the parties even if that settlement was reached before the commencement of this Part or before proceedings were transferred to the Court under this Part.

**84. Compulsory conferences**

- (1) Subject to the provisions of a relevant Act, the Magistrates Court may, if the



Court considers it is appropriate, require the parties to transferred proceedings to attend a compulsory conference.

- (2) The Magistrates Court may give the directions to the Tribunal. in relation to the procedures and conduct of the conference, that the Court considers appropriate.

**85. References to Tribunal in other Acts or regulations**

To avoid doubt, but subject to the regulations –

- (a) a reference to the Tribunal in a provision, of an Act or regulations under an Act, that confers or imposes a function on the Tribunal is to be read as including a reference to the Magistrates Court, if the function is conferred or imposed on the Court because of the operation of this Part; and
- (b) a reference to proceedings in the Tribunal in a provision referred to in paragraph (a) is to be read as including a reference to proceedings in the Magistrates Court.

**86. Relationship of this Part to this Act and other laws**

The provisions of this Part prevail to the extent of any inconsistency between those provisions and any other provisions of the relevant Act.

**87. Enforcement, variation or revocation of purported orders**

- (1) The amount specified in a purported monetary order made by the Tribunal may be recovered in the appropriate court, within the meaning of section 135, by the person in favour of whom the order was made as if it were a debt.
- (2) A person must not contravene or fail to comply with the terms of a purported order of the Tribunal, other than a purported monetary order.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (3) If a person seeks a variation or revocation of a purported order or purported monetary order –
  - (a) the person may apply to the Tribunal; and

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- (b) the Tribunal must order that proceedings on the application be transferred to the Magistrates Court –

and such proceedings will be transferred proceedings for the purposes of this Part.

- (4) No act undertaken, or purportedly undertaken, in good faith, by a person pursuant to, or for the purposes of enforcing, a purported order or a purported monetary order gives rise to any liability against the person or the Crown.
- (5) In this section, a reference to a purported order or a purported monetary order is a reference to an order –
  - (a) purportedly made by the Tribunal, whether before or after the commencement of this Part, that is invalid because determination of the application that gave rise to the order involved the exercise of federal diversity jurisdiction; and
  - (b) that, on the commencement of this Part, is to be made by the Magistrates Court.

**PART 9 – PRINCIPLES, POWERS AND  
PROCEDURES**

*Division 1 – Principles governing hearings*

**88. Principles governing hearings**

- (1) On the hearing of any proceedings, but subject to the provisions of a relevant Act –
  - (a) the procedure of the Tribunal is, subject to this Act, to be conducted with the minimum of formality; and
  - (b) the Tribunal –
    - (i) is not bound by the rules of evidence; and
    - (ii) may adopt, as in its discretion it considers appropriate, any findings, decision or judgment of a court or other tribunal, insofar as may be relevant to the proceedings before the Tribunal; and
    - (iii) may otherwise inform itself as it considers fit; and
  - (c) the Tribunal must act according to equity, good conscience and

the substantial merits of the case  
and without regard to legal  
technicalities and forms.

- (2) Nothing in this Act affects any rule or principle of law relating to –
  - (a) legal professional privilege; or
  - (b) “without prejudice” privilege; or
  - (c) public interest immunity.
- (3) This section does not limit the operation of section 120.

***Division 2 – Evidentiary powers***

**89. Power to require person to give evidence or to produce evidentiary material**

- (1) The Tribunal may, on the application of a party to proceedings or on its own initiative, issue a summons requiring a person to appear before the Tribunal at a specified time and place to give evidence, or to produce evidentiary material, or both.
- (2) A summons to produce evidentiary material may, instead of providing for production of the material before the Tribunal, provide for production of the material to an officer of the Tribunal or to any person nominated in the summons.

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(3) The Tribunal may –

- (a) retain any document, object or substance produced before it (whether in response to a summons or otherwise) for the reasonable period that it considers fit and make copies of any document; and
- (b) require a person called to give evidence, whether in response to a summons or otherwise to make an oath or affirmation (which may be administered by any member or officer of the Tribunal) to answer truthfully questions put by any member of the Tribunal or any person appearing before the Tribunal; and
- (c) require any person called to give evidence, whether in response to a summons or otherwise, to answer any questions, put by any member of the Tribunal or any person appearing before the Tribunal, that are determined by the Tribunal to be relevant to the proceedings before the Tribunal.

(4) A person must not –

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- (a) refuse or fail to make an oath or affirmation when required to do so under this section; or
- (b) refuse or fail without reasonable excuse to produce evidentiary material that the person is required by the Tribunal to produce; or
- (c) refuse or fail without reasonable excuse to appear before the Tribunal in response to a summons; or
- (d) refuse or fail without reasonable excuse to give evidence before the Tribunal or otherwise refuse or fail, without reasonable excuse, to answer any question put in proceedings before the Tribunal or otherwise required under this Act; or
- (e) give false or misleading evidence to the Tribunal.

Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding one year.

- (5) A summons under this section may be issued on behalf of the Tribunal by –
- (a) any member of the Tribunal; or

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- (b) a registrar; or
- (c) any other officer authorised under the rules or by the President of the Tribunal to issue such summonses.

**90. Entry and inspection of property**

- (1) A member of the Tribunal may enter any land or building and carry out on or in the land or building any inspection that the Tribunal considers relevant to any proceedings before the Tribunal.
- (2) A member of the Tribunal may authorise an officer of the Tribunal to enter any land or building and carry out on or in the land or building an inspection that the member of the Tribunal considers relevant to any proceedings before the Tribunal, including for the purposes of preparing expert evidence for the purposes of proceedings before the Tribunal.
- (3) A person must not obstruct a member of the Tribunal, or an officer of the Tribunal authorised by the Tribunal, in the exercise of a power of entry or inspection under this section.

Penalty: Fine not exceeding 15 penalty units or imprisonment for a term not exceeding 6 months.



**91. Expert reports**

- (1) The Tribunal may refer any question arising in any proceedings for investigation and report by an expert in the relevant field.
- (2) The Tribunal must seek submissions from the parties to the proceedings before making a referral under this section.
- (3) A person to whom a question is referred under this section becomes an officer of the Tribunal and may exercise the powers of the Tribunal that the Tribunal delegates to the person.
- (4) The Tribunal may adopt a report obtained under this section in whole or in part, or may reject the report.
- (5) Any action taken under subsection (4) does not prevent the Tribunal from making a further referral to an expert.
- (6) The Tribunal may order a party to pay or contribute to the costs of an expert's investigation and report under this section.

***Division 3 – Procedures***

**92. Practice and procedure generally**

- (1) The Tribunal is to take measures that are reasonably practicable –
  - (a) to ensure that the parties to any proceedings have a reasonable opportunity to understand the nature of the matter under consideration; and
  - (b) to ensure that the parties to any proceedings understand the nature of any assertions made in the proceedings and the legal implications of those assertions; and
  - (c) to explain to the parties, if requested to do so, any aspect of the procedure of the Tribunal or any decision or ruling made by the Tribunal; and
  - (d) to ensure that the parties have the opportunity in any proceedings to be heard or otherwise have their submissions received.
- (2) The Tribunal –
  - (a) is to take all practicable steps to ensure that all relevant material is

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disclosed to the Tribunal so as to enable it to determine all the relevant facts in issue in any proceedings; and

- (b) may require evidence or argument to be presented in writing and decide on the matters on which it will hear oral evidence or argument; and
  - (c) may limit the time available for presenting the respective cases of parties before it at a hearing to an extent that it considers would not impede the fair and adequate presentation of the cases; and
  - (d) may require a document to be served outside the State; and
  - (e) may adjourn any proceedings at any time and to any place, including for the purpose of enabling the parties to negotiate a settlement or for the purpose of reconsideration of a decision by the decision-maker; and
  - (f) may proceed to hear and determine proceedings in the absence of a party.
- (3) To the extent that the practice or procedure of the Tribunal is not prescribed by or under this Act or a

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relevant Act, the practice or procedure is  
to be as the Tribunal determines.

**93. Directions for conduct of proceedings**

- (1) The Tribunal may give directions at any time in any proceedings and do whatever is necessary for the expeditious and fair conduct of the proceedings.
- (2) The Tribunal may give directions on its own initiative or at the request of a party.
- (3) A directions hearing may be held for the purposes of this section before any other hearing in any proceedings.
- (4) The Tribunal may give a direction requiring a party to produce a document or other material, or to provide information, to the Tribunal or another party.

**94. Consolidating and splitting proceedings**

- (1) The Tribunal may direct that 2 or more proceedings that concern the same or related facts or circumstances –
  - (a) be consolidated into one proceeding; or
  - (b) remain as separate proceedings but be heard and determined together.

- (2) If proceedings are consolidated, evidence given in the consolidated proceedings is admissible in relation to matters involved in either of the proceedings that were consolidated.
- (3) The Tribunal may direct –
  - (a) that any aspect of any proceedings be heard and determined separately; or
  - (b) that proceedings commenced by 2 or more persons jointly be split into separate proceedings.

**95. More appropriate forum**

The Tribunal may, at any time, make an order striking out all, or any part, of any proceedings if it considers that the matter, or any aspect of it, would be more appropriately dealt with by another tribunal, a court or any other person.

**96. Dismissing proceedings on withdrawal or for want of prosecution**

- (1) The applicant in any proceedings may withdraw, or agree to the withdrawal of, the proceedings or a part of the proceedings.
- (2) Unless otherwise provided by the rules, an applicant may only act under

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subsection (1) with the leave of the Tribunal.

- (3) The Tribunal may make an order dismissing or striking out all, or any part, of any proceedings, if the applicant withdraws or agrees to the withdrawal of the proceedings or that part of it.
- (4) At any time, the Tribunal may make an order dismissing or striking out all, or any part, of any proceedings for want of prosecution.
- (5) The Tribunal's power to make an order under subsection (4) is exercisable only by –
  - (a) a legally qualified member of the Tribunal; or
  - (b) a registrar who is authorised in writing by the President of the Tribunal to make such an order, whether generally or in relation to particular classes of matters or otherwise.
- (6) The Tribunal may make an order under this section on the application of a party or on its own initiative.

**97. Frivolous, vexatious or improper proceedings**

- (1) This section applies if the Tribunal believes that a proceeding –
  - (a) is frivolous, vexatious, misconceived or lacking in substance or involves a trivial matter or amount; or
  - (b) is being used for an improper purpose; or
  - (c) is otherwise an abuse of process.
- (2) If this section applies, the Tribunal may order that the proceeding be dismissed or struck out and may make any related or ancillary order.
- (3) The Tribunal may act under subsection (2) on the application of a party or on its own initiative.
- (4) If a proceeding is dismissed or struck out under this section, another proceeding of the same kind in relation to the same matter cannot be commenced before the Tribunal without the leave of the President or a Deputy President.

**98. Proceedings being conducted to cause disadvantage**

- (1) This section applies if the Tribunal believes that a party to any proceedings is conducting the proceedings in a way that unnecessarily disadvantages another party to the proceedings by conduct such as –
- (a) failing to comply with an order or direction of the Tribunal without reasonable cause; or
  - (b) failing to comply with this Act or a relevant Act; or
  - (c) asking for an adjournment, the need for which is attributable to a failure described in paragraph (a) or (b); or
  - (d) attempting to deceive another party or the Tribunal; or
  - (e) vexatiously conducting the proceedings; or
  - (f) failing to attend any hearing in the proceedings.
- (2) If this section applies, the Tribunal may –
- (a) if the party causing the disadvantage is the applicant,



order that the proceedings be dismissed or struck out; or

- (b) if the party causing the disadvantage is not the applicant –
  - (i) determine the proceedings in favour of the applicant and make any appropriate orders; or
  - (ii) order that the party causing the disadvantage be struck out of the proceedings.
- (3) The Tribunal may act under subsection (2) on the application of a party or on its own initiative.
- (4) If any proceedings are dismissed or struck out under this section, another proceeding of the same kind in relation to the same matter cannot be commenced before the Tribunal without the leave of the President or a Deputy President.

#### ***Division 4 – Conferences, mediation and settlement***

### **99. Conferences**

- (1) The Tribunal may, at an initial directions hearing or at any other time, require

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parties to any proceedings to attend a compulsory conference.

- (2) The Tribunal must, if so required by the rules or a relevant Act, require parties to attend a compulsory conference.
- (3) Despite subsection (2) and any provision of a relevant Act that requires or permits a conference to be held, the Tribunal may dispense with a conference if it is of the opinion that –
  - (a) no useful purpose would be served by a conference between the parties; or
  - (b) there is another reason that justifies dispensing with the conference.
- (4) The purpose of a compulsory conference is to identify and clarify the issues in the proceedings and to promote the resolution of the matters by a settlement between the parties.
- (5) A registrar, or any other member of the staff of the Tribunal who is authorised to do so by the Registrar, is expressly authorised to constitute the Tribunal for the purposes of a compulsory conference.

**100. Procedure for compulsory conferences**

- (1) A compulsory conference may, at the discretion of the member of the Tribunal presiding at the conference, be adjourned or reconvened from time to time.
- (2) Unless the member of the Tribunal presiding at the conference directs otherwise, a compulsory conference is to be held in private.
- (3) Subject to this section and except to the extent to which the rules may specify the procedure for a compulsory conference, the member of the Tribunal presiding at a compulsory conference may determine the procedure for the conference.
- (4) The member of the Tribunal presiding at a compulsory conference may do any one or more of the following:
  - (a) if that member is not the President or a Deputy President – refer any question of law to the President or a Deputy President for determination;
  - (b) require a party to the proceedings to provide particulars of the party's case;
  - (c) determine who, apart from the parties to the proceedings and

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their representatives, may be present at the conference;

- (d) subject to subsection (7), record any settlement reached at a conference and make any determination or order (including an order under, or for the purposes of, a relevant Act) that is necessary to give effect to a settlement;
- (e) on his or her own initiative, close the conference at any time if, in his or her opinion, settlement cannot be reached;
- (f) advise the Tribunal if the conference does not reach a settlement within a reasonable time;
- (g) permit a party to withdraw from the proceedings, and make any consequential order that is appropriate in the circumstances;
- (h) determine a matter against any party who obstructs or delays the conference, fails to attend the conference or fails to comply with a rule or order of the Tribunal and, in so doing, make any order as the member of the

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Tribunal considers fit, including  
an order as to costs;

- (i) do other things for which the  
rules of the Tribunal provide.
- (5) If a question of law is referred to a  
member of the Tribunal under  
subsection (4)(a), the member may refer  
the question to the Supreme Court for  
decision by a single judge of the  
Supreme Court.
- (6) Evidence of anything said or done in the  
course of a compulsory conference is  
inadmissible in proceedings before the  
Tribunal, except by consent of all parties  
to the proceedings.
- (7) The member of the Tribunal presiding at  
a compulsory conference –
  - (a) must not accept a settlement that  
appears to be inconsistent with a  
relevant Act, but he or she may  
adjourn the proceedings to enable  
the parties to explore the  
possibility of varying the  
settlement to comply with a  
relevant Act; and
  - (b) may decline to accept a  
settlement on the basis that the  
settlement may materially  
prejudice any person who was not  
represented at the conference but

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who has a direct or material  
interest in the matter.

- (8) If the member of the Tribunal presiding at a conference is unable to continue with the conference, another member of the Tribunal may be appointed to continue and complete the conference.
- (9) The member of the Tribunal who presided at the conference is disqualified from sitting as a member of the Tribunal for the purpose of hearing and determining the matter, unless all parties to the proceedings agree to the member's continued participation.
- (10) The rules may set out circumstances where the outcome of any proceedings under this section, including details of a settlement, are to be available to members of the public.

**101. Mediation**

- (1) The Tribunal may, at an initial directions hearing or at any other time, refer the matter, or any aspect of the matter, for mediation by a person specified as a mediator by the Tribunal.
- (2) The person specified as a mediator must be a person who has been approved by the President of the Tribunal to act as a mediator.

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- (3) The referral may be made with or without the consent of the parties.
- (4) The purpose of a mediation is to achieve the resolution of the matters by a settlement between the parties.
- (5) The rules may specify any of the following:
  - (a) how notice of the mediation is to be given;
  - (b) how the mediation is to be conducted;
  - (c) the fees to be paid by a party to the mediation.
- (6) Unless the mediator directs otherwise, the mediation is to be held in private.
- (7) Subject to this section and except to the extent to which the rules may specify the procedure for a mediation, the mediator may determine the procedure for the mediation.
- (8) Evidence of anything said or done in the course of a mediation under this section or section 102 is inadmissible in proceedings before the Tribunal, except by consent of all parties to the proceedings.

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- (9) If the mediator is a member of the Tribunal, the member cannot take any further part in dealing with the proceedings after the mediation, unless all parties to the proceedings agree to the member's continued participation.
- (10) The rules may set out circumstances where the outcome of any mediation under this Act, including details of a settlement, is to be available to members of the public.

**102. Settlement at mediation**

- (1) If the mediator in relation to a matter or an aspect of a matter is a member of the Tribunal and a settlement is reached at the mediation, the mediator may –
  - (a) reduce the terms of the settlement to writing; and
  - (b) make any determination or order, including an order under, or for the purposes of, a relevant Act, necessary to give effect to the settlement.
- (2) If a settlement is not reached at the mediation in relation to a matter or an aspect of a matter or the mediator is not a member of the Tribunal, the mediator is to report on the outcome of the mediation to the Tribunal as constituted when it



referred under section 101 the matter, or aspect of the matter, for mediation.

- (3) Any settlement under this section –
  - (a) must not be inconsistent with a relevant Act; and
  - (b) may be rejected by the Tribunal on the basis that the settlement may materially prejudice any person who has not participated in the mediation but who has a direct or material interest in the matter.

### **103. Settling of proceedings**

- (1) The Tribunal may itself attempt to achieve a negotiated settlement of a matter before the Tribunal.
- (2) If the parties agree in writing to settle a matter before the Tribunal, the Tribunal may make any determination or order, including an order under, or for the purposes of, a relevant Act, necessary to give effect to the settlement.
- (3) A settlement under this section must not be inconsistent with a relevant Act.
- (4) The Tribunal may reject a settlement under subsection (2) on the basis that –

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- (a) the settlement may materially prejudice any person who is not a party to the settlement but who has a direct or material interest in the matter; or
- (b) the terms of the settlement are inappropriate.

***Division 5 – Parties***

**104. Parties**

- (1) A person is a party to proceedings before the Tribunal if the person is –
  - (a) the applicant; or
  - (b) in the case of any disciplinary proceedings or any proceedings constituted by any inquiry into a person – the person who is the subject of the proceedings; or
  - (c) in the case of proceedings involving the review of a decision – the decision-maker; or
  - (d) without limiting paragraph (a), (b) or (c) –
    - (i) a respondent to an application before the Tribunal; or

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- (ii) a person against whom a claim is made by proceedings brought before the Tribunal; or
  - (iii) a party to a dispute before the Tribunal; or
  - (e) a person joined in the proceedings by order of the Tribunal; or
  - (f) a person lawfully intervening in the proceedings; or
  - (g) a person specified by another provision of this Act or a relevant Act to be a party to the proceedings.
- (2) Subsection (1) applies subject to any provision or exclusion made by the rules of the Tribunal.
- (3) In any proceedings where a decision-maker is a party, the official description, rather than the personal name, of the decision-maker is to be used so far as is practicable.

**105. Person may be joined as party**

- (1) The Tribunal may order that a person be joined as a party to proceedings before

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the Tribunal if the Tribunal considers that –

- (a) the person should be bound by, or have the benefit of, a decision of the Tribunal in the proceedings; or
  - (b) the person's interests are affected by the proceedings; or
  - (c) for any other reason it is desirable that the person be joined as a party.
- (2) The Tribunal may make an order under this section –
- (a) on the application of any person or on its own initiative; and
  - (b) without notice to the person to whom the order relates.

**106. Intervening**

- (1) The Attorney-General may, on behalf of the State, intervene in any proceedings before the Tribunal at any time.
- (2) The Tribunal may give leave at any time for any other person to intervene in proceedings before the Tribunal on conditions, if any, that the Tribunal considers fit.

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***Division 6 – Representation***

**107. Representation**

- (1) A party to proceedings before the Tribunal is, subject to the provisions of a relevant Act, entitled to appear –
  - (a) personally; or
  - (b) by an Australian legal practitioner; or
  - (c) with the leave of the Tribunal and subject to the rules – by another representative.
- (2) Unless otherwise determined by the Tribunal, a person appearing before the Tribunal may be assisted by another person as a friend.
- (3) A person may not act as a representative referred to in subsection (1)(c) in proceedings before the Tribunal if –
  - (a) the person is an Australian legal practitioner whose practising certificate has been suspended; or
  - (b) the person has been removed from the local roll, within the meaning of the *Legal Profession Act 2007*.

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***Division 7 – Costs***

**108. Costs**

- (1) Unless otherwise specified in this Act, a relevant Act or an order of the Tribunal under this section, parties bear their own costs in any proceedings before the Tribunal.
- (2) Unless otherwise specified in a relevant Act, the Tribunal may make an order for the payment by a party of all or any of the costs of another party, or of a person required to appear before the Tribunal or to produce evidential material, if the Tribunal considers that it is appropriate to do so after taking into account –
  - (a) the main objectives of the Tribunal that are relevant to simplifying proceedings and issues before the Tribunal and to keeping costs to parties in proceedings before the Tribunal to a minimum insofar as is just and appropriate; and
  - (b) the need to ensure that proceedings are fair and that parties are not disadvantaged by proceedings that have little or no merit; and

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- (c) any provision made by the rules;  
and
  - (d) any other matter considered  
relevant by the Tribunal.
- (3) Subsection (2) does not apply in relation to proceedings in the Mental Health stream.
- (4) Without limiting subsection (2), if the Tribunal dismisses or strikes out any proceedings in any prescribed circumstances, the Tribunal should also make an order for costs against the party against whom the action is directed, unless the Tribunal is of the opinion that there is a good reasons for not making an order in the circumstances of the particular case.
- (5) If the Tribunal makes an order for the payment of costs and does not fix the amount of costs, that amount is to be assessed and settled in accordance with the rules.

**109. Costs of proceedings**

- (1) In this section –

*costs of proceedings* means costs of, or incidental to, any proceedings of the Tribunal, other than the costs of a party.

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- (2) The Tribunal may order that all or any of the costs of proceedings be paid by a party.
- (3) Subsection (2) does not apply in relation to proceedings in the Mental Health stream.
- (4) If the matter that is the subject of the proceeding comes within the Tribunal's review jurisdiction, the Tribunal cannot make an order under this section against a party unless –
  - (a) the party brought or conducted the proceedings frivolously or vexatiously; or
  - (b) the Tribunal is acting in prescribed circumstances.

**110. Costs – related matters**

- (1) The power of the Tribunal to make an order for the payment by a party of the costs of another party includes the power to make an order for the payment of an amount to compensate the other party for any expenses or loss resulting from any proceedings or matter.
- (2) Without limiting anything else that may be considered in making an order for the payment by a party of the costs of another party, if the matter that is the



subject of any proceedings comes within the Tribunal's review jurisdiction, the Tribunal is to have regard to –

- (a) whether the party genuinely attempted to enable and assist the decision-maker to make a decision on its merits; or
  - (b) if the party was the decision-maker – whether the party genuinely attempted to make a decision on its merits.
- (3) The rules may deal with the effect of certain offers to settle, and the response, if any, to the offer, on the making of an order for the payment by a party of the costs of another party.
- (4) The Tribunal may order that the representative of a party, rather than the party, in the representative's own capacity compensate that or any other party for costs incurred because the representative acted in, or delayed, any proceedings in a way that resulted in unnecessary costs.

**111. Security as to costs, &c.**

- (1) The Tribunal may order a party to proceedings before the Tribunal to give security for the payment of costs or to give an undertaking as to the payment of

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other monetary amounts that may be awarded against the party.

- (2) Subsection (1) does not apply in relation to proceedings in the Mental Health stream.
- (3) The security referred to in subsection (1) is to be of the amount, and given at the time and in the manner and form, that the Tribunal directs.
- (4) The Tribunal may reduce or increase the amount of security ordered under subsection (1) to be given and may vary the time at which, or the manner or form in which, the security is to be given.
- (5) If security, or further security, or an undertaking, is not given in accordance with an order under this section, the Tribunal may order that the proceedings be dismissed with costs or that a determination with costs be made against the party.
- (6) The provisions of this section relating to security, or the giving of an undertaking, do not affect the operation of any provision made by or under a relevant Act or by the rules for or in relation to the giving of security, the giving of an undertaking or the imposition of costs.
- (7) A member of the Tribunal may not make an order under this section unless the

member is, or with the concurrence of a person who is, one of the following members:

- (a) the President;
- (b) a Deputy President;
- (c) a senior member, or an ordinary member, who is a legally qualified member.

***Division 8 – Other procedural and related provisions***

**112. Sittings**

The Tribunal will sit at the times and places as the President of the Tribunal directs, which may include at different places at the same time.

**113. Hearings in public**

- (1) Subject to this or any other Act, proceedings before the Tribunal, other than mediation proceedings or conferences, must be heard in public.
- (2) The Tribunal may give a direction under subsection (3) if it is satisfied that it is desirable to do so –
  - (a) in the interest of justice; or

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- (b) by reason of the confidential nature of the evidence to be given before the Tribunal; or
  - (c) in order to expedite proceedings of the Tribunal; or
  - (d) for any other reason that the Tribunal considers sufficient.
- (3) The Tribunal may give directions –
  - (a) requiring that a hearing, or part of a hearing, be held in private; or
  - (b) prohibiting or restricting the publication of the name and address of a witness appearing before the Tribunal; or
  - (c) prohibiting or restricting the publication of evidence given before the Tribunal or of the contents of any document produced to the Tribunal; or
  - (d) prohibiting or restricting the disclosure, to some or all of the parties to proceedings before the Tribunal, of evidence given before the Tribunal or of the contents of any document produced to the Tribunal; or

- (e) excluding any person from the hearing before the Tribunal of any part of the proceedings.
- (4) A person must comply with a direction of the Tribunal under subsection (3).

Penalty: Fine not exceeding 30 penalty units.

**114. Preserving subject matter of proceedings**

- (1) The Tribunal may, on the terms that appear to it to be just, make an order that may be necessary –
  - (a) to preserve the subject matter of proceedings; or
  - (b) to otherwise protect the interests of a party –until questions arising in the proceedings have been finally determined.
- (2) The Tribunal's power to make an order under subsection (1) is exercisable by –
  - (a) the President, or a Deputy President, of the Tribunal; or
  - (b) any other member of the Tribunal who –
    - (i) is a legally qualified member; and

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- (ii) is authorised by the President to make orders under this section.
- (3) The Tribunal may make the order on the application of a party or on its own initiative.
- (4) An order may be made under this section whether or not a person whose interests may be affected –
  - (a) is a party; or
  - (b) has been given an opportunity to be heard.
- (5) An order may be made under this section –
  - (a) for a specified period; or
  - (b) until a specified event or stage in the proceedings.
- (6) In making an order under this section, the Tribunal –
  - (a) may require an undertaking as to costs or damages that it considers appropriate; and
  - (b) may provide for the revocation of the order if specified conditions are met.

- (7) The Tribunal may assess any costs or damages referred to in subsection (6)(a) and any amount so assessed is recoverable as a debt in a court of competent jurisdiction.
- (8) The rules may place conditions on the Tribunal's power to make an order under this section.
- (9) The Tribunal's power under this section is in addition to, and does not limit, any power of the Tribunal under a relevant Act to make an order in the nature of an injunction or interim injunction.

**115. Interlocutory orders**

The Tribunal has power, in relation to matters within its jurisdiction, to make interlocutory orders.

**116. Conditional, alternative and ancillary orders and directions**

- (1) The Tribunal may make orders and give directions on conditions that the Tribunal considers appropriate.
- (2) The Tribunal may make orders in the alternative so that a particular order takes effect, or does not take effect, according to whether stipulated conditions are complied with.

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- (3) The Tribunal may, when making an ancillary order, provide that a decision of the Tribunal is to be implemented by a person who is not a party to the relevant proceedings.

**117. Relief from time limits**

- (1) The rules may provide for the Tribunal to extend or abridge a time limit for doing anything in connection with any proceedings, or the commencement of any proceedings, even though the limit is imposed under this Act or a relevant Act.
- (2) The extension –
  - (a) may be authorised even though the time for complying has passed; and
  - (b) may be given on conditions specified by the Tribunal.

**118. Electronic hearings and proceedings without hearings**

- (1) If the Tribunal considers it appropriate, it may allow –
  - (a) the parties and their representatives; and
  - (b) any witnesses, or one or more of them –



to participate in any proceedings by means of telephone, video link or any other system or method of communication.

- (2) If the Tribunal considers it appropriate, it may conduct all or part of any proceedings entirely on the basis of documents without the parties or their representatives or any witnesses attending or participating in a hearing or any other part of the proceedings.
- (3) If the Tribunal acts under this section, the Tribunal is to take steps to ensure that the public has access to, or is precluded from access to, matters disclosed in the proceedings to the same extent as if the proceedings had been heard before the Tribunal with the attendance in person of all persons involved in the proceedings.

#### **119. Completion of part-heard matters**

A person who ceases to hold office as a member of the Tribunal, other than on account of having his or her appointment revoked or being removed from office, may continue to act in the relevant office for the purpose of completing the hearing and determining proceedings part-heard by the person at the time when he or she ceased to hold that office.

**120. Other claims of privilege**

- (1) A person is excused from answering a question or producing a document or other material in any proceedings if the person could not be compelled to answer the question or produce the document or material in proceedings in the Supreme Court.
- (2) The Tribunal may require a person to produce a document or other material to it for the purpose of determining whether or not it is a document or material that the Tribunal has power to compel the person to produce.

**PART 10 – APPEALS**

**121. Appeals against Tribunal in its review jurisdiction**

- (1) A person who is a party to proceedings of the Tribunal in its review jurisdiction may appeal to the Supreme Court against a determination made in the proceedings.
- (2) A person may appeal to the Supreme Court if the person is aggrieved by any determination of the Tribunal made otherwise than in proceedings.
- (3) An appeal may be brought –

- (a) on a question of law, as of right;  
or
- (b) on any other question, with the  
leave of the Supreme Court.

**122. Procedure on appeals**

- (1) An appeal under section 121 in relation to a determination is to be instituted in accordance with the rules in force under the *Supreme Court Civil Procedure Act 1932* –
  - (a) within 30 days after the day on which the determination is made;  
or
  - (b) if, within the period referred to in paragraph (a), the person instituting the appeal gives to the Tribunal a written request for a statement of reasons for the determination – within 30 days after the day on which the person is given that statement of reasons.
- (2) Despite subsection (1), the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be instituted within the period referred to in that subsection, even if the time for instituting the appeal has expired.

**123. Determination of appeal**

- (1) The Supreme Court may, on an appeal under this Part –
  - (a) affirm the decision appealed against; or
  - (b) vary the decision appealed against; or
  - (c) set aside the decision appealed against and, if it considers fit, return the matter to the Tribunal for reconsideration in accordance with any directions that the Court considers appropriate.
- (2) The Supreme Court may, on an appeal under this Part, make any interim, ancillary or consequential order that the Court considers appropriate.

**124. Effect of review on decision**

- (1) The commencement of proceedings under this Part does not affect the operation of a decision to which the proceedings relate or prevent the taking of action to implement such a decision.
- (2) However, the Supreme Court may, on the conditions, if any, that are specified in the order, make an order staying the operation of a relevant decision,

including a decision of a relevant decision-maker, until the proceedings are finally decided.

- (3) The Supreme Court may act under subsection (2) on application or on its own initiative.
- (4) The Tribunal's power to act under subsection (2) is exercisable only by a legally qualified member of the Tribunal.

## **PART 11 – MISCELLANEOUS**

### **125. Protections and immunities**

- (1) A member of the Tribunal has, in the performance and exercise of the functions and powers of a member of the Tribunal, the same protection and immunities as a judge of the Supreme Court.
- (2) A member of the staff of the Tribunal incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.
- (3) A person representing a party to proceedings before the Tribunal has the same protection and immunity as a legal practitioner has in representing a party in proceedings in the Supreme Court.

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- (4) A party to proceedings before the Tribunal has the same protection and immunity as a party to proceedings in the Supreme Court.
- (5) A person who appears as a witness before the Tribunal or produces books, papers or documents to the Tribunal has the same protection as a witness in proceedings before the Supreme Court.
- (6) A person who –
  - (a) is taking evidence on behalf of the Tribunal; or
  - (b) is specified as a mediator by the Tribunal under section 101 and who is carrying out mediation under this Act; or
  - (c) is an expert acting for, or providing advice to, the Tribunal –

has, in doing so, the same protections, privileges and immunities as a member of the Tribunal.

**126. Protection from liability for torts**

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function

under this Act or a relevant Act as a member of the Tribunal, a member of the staff of the Tribunal or an officer of the Tribunal.

- (2) The Crown is also relieved of any liability that it might otherwise have had for a person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act or a relevant Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

#### **127. Protection for compliance with Act**

- (1) No civil or criminal liability attaches to a person for compliance, or purported compliance, in good faith, with a requirement of this Act.
- (2) In particular, if a person produces a document or other material as required under this Act, no civil liability attaches to the person for producing the document or material, whether the liability would arise under a contract or otherwise.

**128. Alternative orders and relief**

Although a particular form of order or relief is sought by an applicant in proceedings before the Tribunal, the Tribunal may make any other form of order or grant any other form of relief that it considers more appropriate in the circumstances of the case.

**129. Power to cure irregularities**

- (1) If in proceedings before the Tribunal or on appeal from the Tribunal to the Supreme Court it appears to the Tribunal or the Court –
  - (a) that some irregularity has occurred affecting the proceedings or any matter to which the proceedings relate; and
  - (b) that it would be conducive to the expeditious resolution of the questions of substance at issue between the parties if the powers conferred by this section were exercised –

the Tribunal or the Court may cure the irregularity by ordering that, subject to the fulfilment of the conditions, if any, that are stipulated by the Tribunal or the Court, a requirement of this Act, or of



any other Act or law, be dispensed with to the extent necessary for the purpose.

- (2) An order under this section does not affect the rights or liabilities of persons who are not parties to the proceedings.

### **130. Correcting mistakes**

- (1) The Tribunal may correct a decision given by the Tribunal, or a statement of the reasons it has given for its decision, to the extent necessary to rectify –
- (a) a clerical mistake; or
  - (b) an error arising from an accidental slip or omission; or
  - (c) a material miscalculation of figures or a material mistake in the description of any person, thing or matter referred to in the decision; or
  - (d) a defect of form.
- (2) The correction may be made –
- (a) on a party's application made in accordance with the rules; or
  - (b) on the Tribunal's own initiative.

**131. Tribunal may review its decision if person was absent**

(1) In this section –

*relevant hearing*, in relation to a decision of the Tribunal, means a hearing at which the decision was made or which preceded the making of the decision (including a compulsory conference) but does not include mediation.

(2) A person in respect of whom the Tribunal makes a decision may apply to the Tribunal for a review of the decision, if the person did not appear and was not represented at a relevant hearing.

(3) An application under subsection (2) must be made within the time limits specified by, and otherwise in accordance with, the rules.

(4) The rules may limit the number of applications that may be made under this section in respect of the same matter without leave of the Tribunal.

(5) If, on hearing the application, the Tribunal is satisfied that the applicant had a reasonable excuse for not attending or being represented at the relevant hearing, the Tribunal is to review the decision and may revoke or vary it, if the

Tribunal considers it appropriate to do so.

- (6) For the hearing of the application, the Tribunal is to be constituted, if practicable, by the members by whom it was constituted when it made the decision.
- (7) A review under this section –
  - (a) is part of the original proceedings; and
  - (b) is not a review of a decision for the purposes of section 75.

**132. Tribunal may authorise person to take evidence**

- (1) The Tribunal may authorise, in writing, a person, whether or not the person is a member of the Tribunal, to take evidence on behalf of the Tribunal for the purposes of any proceedings.
- (2) The Tribunal's power under subsection (1) to authorise the taking of evidence is exercisable only by the President or a Deputy President.
- (3) The Tribunal may authorise evidence to be taken under this section outside Tasmania.

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- (4) The Tribunal may give directions as to the taking of evidence under this section.
- (5) If a person other than a member of the Tribunal is authorised under this section to take evidence, the person has all the powers of a member of the Tribunal in relation to the taking of evidence.
- (6) Evidence take under this section –
  - (a) is to be regarded as having been given to the Tribunal; and
  - (b) if taken outside Tasmania, is to be regarded as having been given in Tasmania.

**133. Miscellaneous provisions relating to legal process and service**

- (1) Any process of the Tribunal may be issued, served or executed on a Sunday as well as any other day.
- (2) The validity of process is not affected by the fact that the person who issued it dies or ceases to hold office.
- (3) If it is not practicable to serve any process, notice or other document relating to any proceedings in the manner otherwise prescribed or contemplated by law, the Tribunal may, by order –
  - (a) provide for service –

- (i) by post; or
  - (ii) in any other way, including by substituted service, authorised by the regulations; or
- (b) make any other provision that may be necessary or desirable for service.
- (4) Any process, notice or other document served in accordance with an order under subsection (3) is, despite any other law, taken to have been duly served.
- (5) A registrar is expressly authorised to make an order under subsection (3).

#### **134. Proof of decisions and orders of Tribunal**

An apparently genuine document purporting –

- (a) to be a copy of a decision or order of the Tribunal; and
- (b) to be certified as such by a registrar –

is to be accepted in any legal proceedings, in the absence of proof to the contrary, as a true copy of a decision or order of the Tribunal.

**135. Enforcement of decisions and orders of Tribunal**

- (1) If the Tribunal makes a monetary order, the amount specified in the order may be recovered in the appropriate court, by a person recognised by the regulations for the purposes of this subsection, as if it were a debt due and payable to the person.
- (2) A person must not contravene or fail to comply with an order of the Tribunal, other than a monetary order.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding one year.

- (3) In this section –

***appropriate court*** means –

- (a) in relation to an order of the Tribunal that is a monetary order for an amount that does not exceed the amount that represents the jurisdiction limit of the Magistrates Court for a monetary claim founded on contract – the Magistrates Court;
- (b) in any other case – the Supreme Court.

**136. Accessibility of evidence**

- (1) Subject to this section and any relevant Act, the Tribunal may, on application by any member of the public, allow the applicant to inspect or obtain a copy of –
  - (a) any process relating to proceedings and forming part of the Tribunal's records; or
  - (b) a transcript of evidence taken by the Tribunal in any proceedings; or
  - (c) any documentary or other material produced or provided to the Tribunal in any proceedings; or
  - (d) any decision or order given or made by the Tribunal; or
  - (e) any other material of a prescribed kind.
- (2) A member of the public may inspect or obtain a copy of the following material only with the permission of the Tribunal:
  - (a) material that was produced or provided to the Tribunal in a hearing (or part of a hearing) held in private;

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- (b) material the disclosure of which would be contrary to a direction or order of the Tribunal given under another provision of this or any other Act;
  - (c) material of a class prescribed by the regulations.
- (3) The Tribunal may permit inspection or copying of material referred to in subsection (1) or (2) subject to any condition that it considers appropriate, including a condition limiting the publication or use of the material.
- (4) A decision by the Tribunal on an application under this section is administrative and is final and not subject to any form of review.
- (5) The Tribunal may charge a fee, fixed by regulation, for inspection or copying of material under this section.

**137. Annual report**

- (1) The President of the Tribunal must, on or before 31 October in each year, make a report to the Attorney-General on the administration and operation of the Tribunal during the previous financial year.



- (2) The Attorney-General must, within 12 sitting-days after receiving a report under this section, cause copies of the report to be laid before both Houses of Parliament.

**138. Disrupting proceedings of Tribunal**

- (1) A person must not –
- (a) wilfully interrupt any proceedings of the Tribunal; or
  - (b) use offensive language, or behave in a disorderly or offensive manner, towards the Tribunal, members of the Tribunal or officers of the Tribunal or at a place where proceedings of the Tribunal are being conducted.

Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months.

- (2) Nothing in this section derogates from the operation of another provision of this Act.
- (3) In this section –

*offensive* includes threatening, abusive or insulting.

### **139. Confidentiality**

- (1) Despite the provisions of any other Act, if information may be obtained by, or provided to, a person under an Act under which a relevant Board or Tribunal is established or under which a relevant Board or Tribunal has functions or powers, the information may be obtained by or provided to a person who is –
- (a) the President, the Acting President or a Deputy President; or
  - (b) the Registrar, a Deputy Registrar or a member of the staff of the Tribunal; or
  - (c) a member of the staff of the relevant Board or Tribunal or of another relevant Board or Tribunal –
- as if the person were a person by whom such information may be obtained, or to whom such information may be provided, under that Act.
- (2) This section only applies to information obtained or provided under this section before the establishment day.

**140. Use of facilities, &c.**

- (1) This section only applies before the establishment day.
- (2) The Secretary of the Department may direct that members of, and members of the staff of, any relevant Board or Tribunal are to be located in premises that are to be used for the purposes of the Tribunal.
- (3) The President, the Acting President or the Registrar may give, to members of the staff of any relevant Board or Tribunal who are, or are to be, located in premises that are to be used for the purposes of the Tribunal, directions that are necessary or convenient to ensure the efficient and effective –
  - (a) administration and use of the premises and any facilities and equipment at the premises; and
  - (b) use of the services of those members of staff.

**141. Interim rules may be made by President or Acting President**

- (1) The President or the Acting President may, before the establishment day, make, under section 143, rules of the Tribunal,

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including rules that amend or revoke any such rules.

- (2) Rules made by the President, or the Acting President, in accordance with subsection (1) may only be specified to come into force on a day, after the rules are made, that is before the establishment day.
- (3) The President, or the Acting President, before making, under subsection (1), a provision of the rules of the Tribunal that is to apply only in relation to a stream of a Division of the Tribunal (rather than to all Divisions of the Tribunal or to all streams of all Divisions of the Tribunal) is to consult with each of the relevant persons in relation to the stream of the Division of the Tribunal.
- (4) For the purposes of subsection (3), the relevant persons in relation to a stream of the Division of the Tribunal are each person whom the President or Acting President considers to be the head (however described) of a relevant Board or Tribunal referred to in an Act that is specified, in the Division Schedule in relation to the Division of the Tribunal, to be an Act in relation to which the stream of the Tribunal has functions or powers.

**142. Rules Committee**

- (1) There is to be, after the establishment day, a Rules Committee.
- (2) The Rules Committee is to be composed of the following:
  - (a) the President;
  - (b) each Division Head or a member nominated by the Division Head;
  - (c) such other members as may be appointed by the President from time to time.
- (3) Rules may, after the establishment day, be made under section 143 by the Rules Committee.
- (4) The rules that may be made under section 143 include rules that amend or revoke rules made under that subsection or section 141(1).
- (5) The quorum for a meeting of the Rules Committee is a majority of the members of the Committee from time to time.
- (6) The procedures of the Rules Committee are to be as determined by the President from time to time.
- (7) The rules made by the Rules Committee may, in accordance with section 143(4), only prescribe a rule for a particular

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Division of the Tribunal that is not a rule applying to Divisions generally, if the Division Head in relation to the Division, or a member nominated by the Division Head, is present at the meeting at which the rule is made.

**143. Rules**

- (1) A person or body who is authorised under section 141 or 142 may make rules of the Tribunal.
- (2) The rules of the Tribunal may –
  - (a) regulate the business of the Tribunal and the duties of the various members and staff of the Tribunal; and
  - (b) authorise the registrars and other members of the staff of the Tribunal to exercise powers with respect to proceedings before the Tribunal and provide for the internal review of specified classes of decisions in specified circumstances; and
  - (c) regulate the practice and procedure of the Tribunal; and
  - (d) provide for the provision of written statements of reasons for decisions of the Tribunal at first

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instance for the purposes of an internal review of the decision by the Tribunal; and

- (e) impose obligations, on persons seeking to commence proceedings before the Tribunal, to take any step, including to give a notification (orally or in writing) to another person or to provide any specified information; and
- (f) provide for the service of applications, referrals and appeals and other documents; and
- (g) impose obligations on parties to proceedings before the Tribunal to disclose to each other, before or in connection with the hearing of the proceedings, the contents of expert reports or other material of relevance to the proceedings; and
- (h) regulate –
  - (i) the referral of a matter to mediation, conciliation or alternative dispute resolution; and
  - (ii) the conduct of mediations, conciliation or alternative dispute resolution; and

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- (iii) the referral of questions for investigation and report by an expert or referee; and
  - (i) regulate the form in which evidence may be taken; and
  - (j) restrict or prohibit certain classes of persons from appearing as representatives in proceedings before the Tribunal; and
  - (k) provide for the Tribunal to waive any procedural requirement; and
  - (l) regulate costs and provide for the assessment and settling of costs; and
  - (m) provide for witness fees; and
  - (n) provide for other matters relating to the management, conduct or settlement of proceedings before the Tribunal; and
  - (o) deal with any other matters necessary or expedient for the effective and efficient operation of the Tribunal.
- (3) The rules of the Tribunal may include rules in respect of any jurisdiction conferred on the Tribunal by a relevant Act.



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- (4) The rules of the Tribunal may prescribe different rules for –
  - (a) each of the Divisions of the Tribunal; and
  - (b) different streams in the same Division of the Tribunal; and
  - (c) different classes of matters.
- (5) The rules of the Tribunal take effect from the date of publication in the *Gazette* or a later date specified in the rules.
- (6) The rules of the Tribunal must be consistent with the regulations, this Act and any relevant Act.
- (7) Rules made under section 67 of this Act, as in force immediately before the day on which this section is inserted in this Act by the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021*, are to be taken on and from the establishment day to have been made under this section.

**144. Code of conduct**

- (1) The President may prepare and issue a code of conduct that is to apply to members of the Tribunal.
- (2) A code of conduct made under section 68 of this Act, as in force immediately

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before the day on which this section is inserted in this Act by the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021*, is to be taken, on and from the establishment day, to have been made under this section.

**145. Appointments and other matters to facilitate establishment of Tribunal**

- (1) A person may be appointed to any office or other position under this Act before the establishment day.
- (2) Without limiting subsection (1), the following appointments may be made before the establishment day:
  - (a) appointment as the President, a Deputy President or as any other kind of member;
  - (b) appointment as the Registrar, a Deputy Registrar or other member of the staff of the Tribunal.
- (3) A person may be appointed under section 21(1) as the Acting President for a term beginning before the establishment day.
- (4) The requirements of section 21(2) do not apply to an appointment under section 21(1) of a person as the Acting

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President that is made in accordance with subsection (3).

- (5) If, before the establishment day, a person who is appointed as the Acting President in accordance with subsection (3) has not ceased to be the Acting President, the appointment of the person ceases on the establishment day.
- (6) The requirements of section 53(4) do not apply in relation to the appointment, before the establishment day, of the Registrar or a Deputy Registrar.
- (7) An appointment made before the establishment day has effect, from the day specified in the instrument of appointment, as if the Tribunal had been established.
- (8) A person who is appointed as the President, in accordance with subsection (1), or who is, in accordance with subsection (3), appointed under section 21(1) as the Acting President, is taken to be assigned to be the Division Head of a Division of the Tribunal under this Act until another person is assigned to be the Division Head of the Division of the Tribunal.
- (9) The requirements of clause 2 of Part 2 of Schedule 2, and clause 2 of Part 2 of Schedule 3, do not apply in relation to a

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person who is a Division Head in accordance with subsection (8).

- (10) A person who is a member of a relevant Board or Tribunal is not to be taken under any Act as being disqualified from holding the office of such a member, or liable to any sanction or punishment, by reason only that the person also holds an office under this Act.
- (11) A person who was appointed under section 69 of this Act, as in force immediately before the commencement of this provision, is taken to have been appointed under this section.

**146. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
  - (a) provide for information to be included in registers to be kept for the purposes of this Act; and
  - (b) prescribe matters relevant to the practice or procedures of the Tribunal; and
  - (c) prescribe, and provide for the payment of, fees in relation to

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proceedings before the Tribunal;  
and

- (d) prescribe penalties not exceeding 50 penalty units for contravention of, or non-compliance with, any regulation; and
  - (e) make provisions of a savings or transitional nature consequent on the vesting of jurisdiction on the Tribunal under another Act.
- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by a person or body specified in the regulations.
- (5) Without limiting the generality of subsection (2), a regulation under subsection (2)(e) may –
- (a) operate in addition to any savings or transitional provision enacted under another Act in connection with the vesting of jurisdiction in the Tribunal; and
  - (b) operate so as to modify the operation or effect of another Act

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insofar as may be expedient in connection with the transfer of jurisdiction to the Tribunal from another entity; and

- (c) take effect from the day on which jurisdiction is vested in the Tribunal under another Act (including so as to provide for the retrospective operation of the regulation).

**147. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

**PART 12 – TRANSITIONAL PROVISIONS**

***Division 1 – Abolition of Boards and Tribunals and  
Transition of Certain Members***

**148. Interpretation of Part 12**

In this Part –

***current member of a relevant Board or Tribunal*** means a person who, immediately before the establishment day, held office as —

- (a) the head of the relevant Board or Tribunal (however described); or
- (b) a deputy head of the relevant Board or Tribunal (however described); or
- (c) a member of the relevant Board or Tribunal (however described).

**149. Abolition of existing Boards and Tribunals**

Each relevant Board or Tribunal is abolished on the establishment day.

**150. Current members of relevant Board or Tribunal cease to hold office**

- (1) A current member of a relevant Board or Tribunal ceases to hold office as such on the establishment day.
- (2) If a person ceases to hold an office by virtue of subsection (1), the person is not entitled to any remuneration or compensation because of the loss of that office.

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- (3) Subsection (2) applies despite anything in a relevant Act concerning the circumstances or processes for the removal of the person from, or the vacation of the office of, a person from an office under the relevant Act.

**151. Current members to hold office as members of Tribunal**

- (1) A current member of a relevant Board or Tribunal referred to in column 1 of the following table becomes, on the establishment day, a member of the Tribunal of the type specified opposite in column 2 of the table.

<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
1. President of Mental Health Tribunal	Deputy President
2. Deputy President of Mental Health Tribunal	Senior member
3. Member of Mental Health Tribunal	Ordinary member
4. President of Guardianship and Administration Board	Deputy President



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Column 1 – Member of Board or Tribunal	Column 2 – Tribunal member
5. Deputy President of Guardianship and Administration Board	Senior member
6. Member of Guardianship and Administration Board	Ordinary member
7. Chairperson of Resource Management and Planning Appeal Tribunal	Deputy President
8. Deputy Chairperson of Resource Management and Planning Appeal Tribunal	Senior member
9. Member of Resource Management and Planning Appeal Tribunal	Ordinary member
10. Chief Commissioner of the Asbestos Compensation Tribunal	Deputy President
11. Commissioner of the Asbestos Compensation Tribunal	Deputy President
12. Part time member of Asbestos Compensation Tribunal	Ordinary member

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<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
13. Chief Commissioner of the Workers Rehabilitation and Compensation Tribunal	Deputy President
14. Commissioner of the Workers Rehabilitation and Compensation Tribunal	Deputy President
15. Part-time Commissioner of Workers Rehabilitation and Compensation Tribunal	Ordinary member
16. Chairperson of Anti-Discrimination Tribunal	Deputy President
17. Member of Anti-Discrimination Tribunal	Ordinary member
18. Chairperson of Health Practitioners Tribunal	Deputy President
19. Deputy Chairperson of Health Practitioners Tribunal	Deputy President
20. Professional member, or community member, of Health Practitioners Tribunal	Ordinary member
21. Chairman of Motor Accidents Compensation Tribunal	Deputy President

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<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
22. Member of Motor Accidents Compensation Tribunal	Ordinary member
23. Chief Chairperson of Forest Practices Tribunal	Senior member
24. Deputy Chief Chairperson of Forest Practices Tribunal	Ordinary member
25. Member of Forest Practices Tribunal	Ordinary member

(2) If a person is a current member of a relevant Board or Tribunal who would, in accordance with the table in subsection (1), become –

(a) both a Deputy President and another member – the person becomes, on the establishment day, a Deputy President; or

(b) both a senior member and an ordinary member and paragraph (a) does not apply – the person becomes, on the establishment day, a senior member only.

(3) If a current member of a relevant Board or Tribunal was, immediately before the establishment day, a person who is

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appointed as a current member on the basis that he or she was to perform and exercise the functions and powers of a current member only during the periods, within the person's term of appointment to that office, determined from time to time by another person, the person is taken to be appointed as a member of the Tribunal on a sessional basis.

- (4) A current member of a relevant Board or Tribunal who, in accordance with subsection (1), becomes a member of the Tribunal and who was appointed under the relevant Act for a period is taken to have been appointed to the office until the day on which his or her appointment as a current member of a relevant Board or Tribunal would have, but for the abolition of the Board or Tribunal by this Act, expired.
- (5) Nothing in this section is to be taken to prevent a person ceasing to hold office under this Act in the circumstances in which a member of the Tribunal ceases to hold office under this Act.

**152. Remuneration of current member of a relevant Board or Tribunal**

- (1) The remuneration, as a member of the Tribunal, of a current member of a relevant Board or Tribunal is to be, for

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the period for which the person holds office as a member of the Tribunal before the person is reappointed, if at all, as a member of the Tribunal –

- (a) the same as the remuneration to which the person was entitled, immediately before the establishment day, as a current member of the Board or Tribunal of which the person was a member; or
  - (b) if the person was, immediately before the establishment day, a member of more than one Board or Tribunal under a relevant Act – the same as the highest remuneration, for any one of those offices, to which the person was entitled immediately before the establishment day.
- (2) Nothing in this section is to be taken to prevent section 5 applying in relation to a person.
- (3) Nothing in this section is to be taken to prevent the application to a person of a determination of the Governor as to the salary, remuneration or allowances of the person, under a provision of this Act that applies to the person, if the determination does not reduce the salary, remuneration or allowances of the person during the

term of office as a member of the  
Tribunal that the person began under this  
Part.

***Division 2 – Proceedings of former relevant Board or  
Tribunal***

**153. Proceedings that were on foot on  
establishment day**

- (1) This section applies in relation to proceedings before a relevant Board or Tribunal that –
  - (a) were instituted or commenced before the establishment day; and
  - (b) have not been finally determined before that day by the relevant Board or Tribunal.
- (2) If proceedings, before a relevant Board or Tribunal, to which this section applies, had not been heard before the establishment day by the relevant Board or Tribunal, the proceedings are to be taken, on and from the establishment day, to have been instituted or commenced before the Tribunal established under this Act and may be heard and determined instead by that Tribunal.
- (3) If a relevant Board or Tribunal had, before the establishment day, begun to

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hear, but had not determined, proceedings, before the relevant Board or Tribunal, to which this section applies, the person or persons constituting the Board or Tribunal for those proceedings –

- (a) are to continue, on and from the establishment day, to hear and determine the matter to which the proceedings relate, sitting as the Tribunal established under this Act; and
  - (b) the Tribunal may have regard to any record of the proceedings before the relevant Board or Tribunal, including a record of any evidence taken in the proceedings before the relevant Board or Tribunal.
- (4) For the purposes of subsections (2) and (3), in relation to proceedings to which those subsections relate –
- (a) the Tribunal established by this Act has and may perform and exercise all the functions and powers that the relevant Board or Tribunal, to which the proceedings related before the establishment day, had immediately before that day; and

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- (b) the provisions of any Act or instrument of a legislative character that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.

**154. Pending court proceedings in relation to relevant Board or Tribunal may be completed**

- (1) This section applies in relation to proceedings, in a court on an appeal against, or for the review of, a decision of a relevant Board or Tribunal, that –
  - (a) were instituted or commenced before the establishment day; and
  - (b) have not been finally determined before that day by the court.
- (2) A court, in proceedings to which this section applies, may, on and from the establishment day, continue to deal with the proceedings until they are concluded.
- (3) For the purposes of proceedings, in a court, referred to in subsection (2) –
  - (a) the court continues to have, and may perform and exercise, all the functions and powers that the court had in relation to the



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proceedings immediately before the establishment day; and

- (b) the provisions of any Act or instrument of a legislative character that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.
- (4) Without limiting subsection (3), if the powers of the court immediately before the establishment day included the power to remit the proceedings to be heard and determined again by a Board or Tribunal in existence immediately before the establishment day, the court may, in determining the proceeding –
- (a) remit the proceedings to the Tribunal established by this Act; and
  - (b) make the other orders that it considers appropriate to facilitate the remitting of the proceedings to the Tribunal established by this Act.

**155. Certain unexercised rights continue**

- (1) If a person had, immediately before the establishment day, a right (including a right exercisable only with leave) –

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- (a) to apply to a relevant Board or Tribunal to make a decision at first instance concerning a matter; or
- (b) to apply to a relevant Board or Tribunal for a review of a decision of another person or body; or
- (c) to appeal to a relevant Board or Tribunal against a decision of another person or body –

but had not, before that day, exercised that right, the person may apply or appeal to the Tribunal established under this Act for the performance and exercise of the same functions and powers that could have been performed or exercised by the relevant Board or Tribunal if that Board or Tribunal had not been abolished.

(2) For the purposes of subsection (1) –

- (a) the Tribunal established by this Act has and may perform and exercise all the functions and powers that the relevant Board or Tribunal would have had in relation to the application or appeal if the application or appeal had been made before the establishment day, including any functions or powers relating to

the granting of leave to apply or appeal; and

- (b) the provisions of any Act or instrument of a legislative character, including provisions concerning the time within which to apply or appeal, that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.

**156. Allocation of transitional proceedings to Divisions of Tribunal**

Unless the regulations provide otherwise, the function of determining proceedings, in relation to a relevant Act, that –

- (a) are permitted or required to be determined by the Tribunal under this Part instead of a relevant Board or Tribunal that has been abolished under section 149; or
- (b) are remitted by a court under this Part to the Tribunal for reconsideration or redetermination –

is allocated to the Division specified in relation to the relevant Act under Schedule 2 or Schedule 3.

**157. Saving of orders of relevant Board or Tribunal**

An order made by a relevant Board or Tribunal before the establishment day, including an order that would have come into effect on or after the establishment day, is, subject to this Part, taken on and from that day to be an order made, by the Tribunal established by this Act, under the provision, of the relevant Act, under which the order was made, or the provision of this Act that corresponds to that provision, as the case may be.

**158. Expiration of time periods**

If, for any purpose, time had commenced to run under a provision of a relevant Act in relation to a relevant Board or Tribunal before the establishment day, the time expires for the corresponding purpose under that Act (as amended by this Act), or this Act, as the case may be, at the time at which it would have expired if the Board or Tribunal had not been abolished under section 149.

**159. General savings**

- (1) If anything done, initiated or commenced under a relevant Act in relation to a relevant Board or Tribunal before the establishment day and still has effect, or

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is not completed, before that day could have been done, initiated or commenced under the relevant Act (as amended by this Act) or this Act, if this Act had been in force when the thing was done, initiated or commenced –

- (a) the thing done continues to have effect; or
  - (b) the thing initiated or commenced may be completed as if it had been done, initiated or commenced under the relevant Act, as amended by this Act, or this Act.
- (2) This section applies subject to any express provision of this Act in relation to the matter to which this section applies.

## **7. Repeal of Act**

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

# Non Resident Impacts in the Base Grant Model

## Regional Service Industry Employment Cost Adjustor - 2021 Proposal

Discussion Paper DP21-01

December 2020

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## Executive Summary

While councils are impacted by non-residents to differing degrees and for a wide range of reasons, the current Regional Responsibility Cost Adjustor is not well defined and does not provide a measurement system which is capable of being effectively applied across all councils. While the Commission understands that it needs to apply judgement where necessary, the Commission is of the view that the expenditure re-allocative "power" of the current Regional Responsibility CA is too large for a measure based largely on judgement.

Over recent years, the Commission has been seeking to develop of measure of the impact of non-residents using a data-informed indicator. In 2020 the Commission issued DP20-01 Non-Resident Impacts - The Bigger Picture, in which the Commission discussed with councils how the four non-resident type cost adjustors interplayed. The Commission has taken on board the feedback it received on its 2020 Discussion Paper and further finessed its proposed Regional Service Industries (RSI) Cost Adjustor, based on employment in service industries. It further considered how the issues councils raised related to the interplay of the Commission's other cost adjustors.

This paper provides the next step in the discussion of a proposed solution for recognising the disadvantages for councils created by non-resident people movements.

This paper proposes the replacement of the existing Regional Responsibility Cost Adjustor only with a modified RSI Cost Adjustor, which is now proposed to "operate" without a minimum floor or regional centre uplift factor as had been illustrated in 2020. The RSI Cost Adjustor does however, contain a Major City Cap.

The proposal is now also to retain both the existing Worker Influx and Absentee Population Cost Adjustors. The Tourism Cost Adjustor is also still under review.

The Commission believes a RSI Cost Adjustor is a more logical and defensible way of estimating irregular flows of non-resident impacts on councils, and enables the Commission to better assess all councils relative needs in accordance with the major criteria of its decision making, that is, horizontal fiscal equalisation (HFE) and effort neutrality.

The Commission is now seeking feedback from councils on the revised options proffered in this Discussion Paper.



While the Commission is still consulting on solutions with councils, it will not be making any immediate methodology changes to its Base Grant Model in respect of this issue. Consistent with the Commission's Strategic Framework and Operating Plan, the Commission will issue a Preliminary Decision Paper advising councils of its intended solution prior to implementing any changes. This Preliminary Decision Paper will provide councils with a final opportunity to provide feedback on any solution before any implementation will occur.

Whilst encouraging written feedback from councils on the latest proposal by 22 January 2021 for the Commission to consider prior to it commencing the 2021 hearings and visits, the Commission is very aware of the complexity of this issue and will also receive verbal feedback on the proposal as part of the 2021 hearings and visits.

The closing date for final written submissions is Wednesday, 10 March 2021.

Following feedback from councils and assuming the Commission is in a position to enable decisions to be made, the Commission expects to publish its proposed position on this issue later in 2021. This will provide councils with a further opportunity to comment before any solution is implemented.

## Review Context

The State Grants Commission (the Commission) is an independent statutory body established under the *State Grants Commission Act 1976* and is responsible for recommending the distribution of Australian Government and State Government funds to Tasmanian local government authorities. To ensure that the distribution of available funds is as equitable and contemporary as possible, the Commission continually monitors council practices and updates assessment methods and data where appropriate. Based on these reviews, the Commission implements changes as they are determined.

As part of the Commission's review process, and in accordance with the Commission's Work Plan, the Commission has been reviewing the impact of non-residents on councils. This initially commenced as a review of the Regional Responsibility Cost Adjustor, but has subsequently broadened to become a review of the Commission's cost adjustors that are designed to account for councils having to service populations that are larger than their normal residential base. Location, facilities and services attract non-residents to enter a council area.

The Commission has previously prepared some scenarios as to how it could progress a solution to this issue and is now seeking council feedback on the scenarios canvassed in this paper.

The Commission, in deciding how it operates and applies the National Principles, has developed its own set of principles to guide its decision making. These are the State Principles, which are detailed in Attachment 2 of the Commission's methodology publication: [Financial Assistance Grant Distribution Methodology](#). One such principle relates to Data quality and sources, and has been replicated below for the purposes of understanding a key factor in the Commission's objectives from this review.

- ***Data quality and sources***

*The Commission takes the accuracy and consistency of data very seriously and actively seeks to increase the integrity of the data used within its assessments. The Commission has a strong preference for independent measures and data sources to inform its modelling, while being able to exercise broad judgement in its deliberations in relation to sources of data.*

The Commission actively seeks to increase the integrity of the data used within the Commission's assessments and ensure its methods are contemporary and equitable across

councils. The Commission may exercise its judgement and adopt alternative information sources where it considers such to be justified.

## Background to Review

The current Regional Responsibility Cost Adjustor is not well defined and does not provide a measurement system which is capable of being effectively applied across all councils. Every council will provide services to non-residents, whether they be short or longer term visitors, whether they are there for business or pleasure, and whether they impact upon current services or the planning for future services and facilities. While the Commission understands that it needs to apply judgement where necessary, the Commission is of the view that the expenditure re-allocative "power" of the current Regional Responsibility Cost Adjustor is too large for a measure based largely on judgement.

Therefore, the Commission has determined that the current manner of recognising the impact of non-residents on councils using the Regional Responsibility Cost Adjustor needs to change.

### **Initial review of the Regional Responsibility Cost Adjustor and consultation with councils**

The Commission commenced this review in 2018 as a periodic review of the Regional Responsibility Cost Adjustor by issuing Discussion Paper DP18-01 - Regional Responsibility - The obligations that come with being a major regional hub. This review looked at current Regional Responsibility Cost Adjustor and the basis on which the judgement of weightings assigned to councils have been determined.

The 2018 review failed to identify any independent measures or data sources that were available for many municipalities on which to base or assign weightings used by the Regional Responsibility Cost Adjustor in the Commission's Base Grant Model

### **Further review and consultation with councils on non-resident impacts**

The Commission then engaged with councils in 2019 about the broader impacts of non-residents on councils (Conversation Starter CS19 02 - Provision of Services to Non-Residents). The Commission's intent was to have more extensive conversations with councils as to the specific impact on council operations of the various streams of non-residents in their respective municipalities. While councils responded by continuing to report a range of areas in which they were impacted by non-residents (e.g. waste management, public facilities, sport and recreation facilities; roads), councils were generally unable to quantify these impacts in a way which would help the Commission to independently model the related disadvantage.

### **Other Commission observations**

In 2020 the Commission issued DP20-01 Non-Resident Impacts - The Bigger Picture, in which the Commission discussed with councils how the four non-resident type cost adjustors interplayed. The Commission canvassed several scenarios including the design of a new Regional Service Industries (RSI) Cost Adjustor, based on employment in service industries, similar to the approach used by the Victorian Grants Commission.

The Commission heard that most councils leant towards the general concept of the RSI Cost Adjustor proposal, although feedback indicated that there was still a role for some of the Commission's existing cost adjustors. There were also issues raised regarding the "floors" and uplift factors which the Commission had used in its sample of the RSI Cost Adjustor. These triggered several queries as to how they were determined, and councils generally preferred using the raw data instead of including artificial floors. After considering the input from councils, the Commission decided that "floors" and uplift factors were not necessary.

In the design of the RSI Cost Adjustor included in this proposal, the Commission has also reviewed the use of caps in determining the service industry value to be used in the cost adjustor. The previous illustration of the RSI Cost Adjustor used a "Capital City Cap" as is currently used in the Victorian model. This cap, originally set at 35%, as for Victoria, recognises that capital cities service industry employment reaches very high levels which may not produce additional proportionate flows of non-residents consuming services. This may be due to the higher proportion of employees providing state administration rather than direct services to residents. The Commission also noted that economies of scale and sponsorship or business recoveries may affect the disadvantage suffered where very high levels of RSI employment occur in major cities. After reviewing this issue, the Commission decided that such a cap should apply not just to the capital city but to any major city with an exceptionally high RSI index. A "Major City Cap" of 40% has been used in this paper.

Councils also raised the impact of non-residents on road maintenance costs. This issue is flagged as a project in the Commission's Strategic and Operational Framework Priority Work Plan. The timing of this work will be determined in accordance with the Commissions work plan priorities.

## Decision so far regarding other Non-Resident Impact Cost Adjustors

The Commission has committed to keeping the Absentee Population Cost Adjustor.

The Commission is also committed to keeping the Worker Influx Cost Adjustor as the Commission recognises that this cost adjustor includes all industries and effectively captures the routine normal population movements that relate to cross-boundary employment.

The Commission also recognises that a Tourism Cost Adjustor should be retained. This might be by potentially using Tourism type service industry employment data and evaluating the resultant employment profile results as a potential solution for the current Tourism Cost Adjustor data concerns, that is, the absence of relevant data related to bed numbers and day-trippers.

The Commission does recognise that the RSI measure, being informed by the Census every five years, is a measure that does not capture the seasonal worker influxes that typically occur during the Spring-Summer fruit and similar seasons, or the itinerant worker influx from drive in/drive out and fly in/fly out work forces.

The issue of seasonal worker influx will be considered by the Commission when it is able to determine a reliable data source for measuring seasonal and drive-in/drive-out and fly-in/fly-out workers.

## Revisions to Regional Service Industry Employment Cost Adjustor Proposal

The Commission's current proposal to discuss with councils is a variant on the a RSI employment informed cost adjustor presented as Option 4 in DP20-01.

Option 4 in DP20-01 considered a RSI Based Cost Adjustor proposal that used the following parameters:

1. the ABS Census Place of Work by LGA data as its basis (reflecting the 2016 Census results). Those classed as service industries are shaded in the following Table:

**Table 1: 2006 ANZSIC – Industry of Employment by Divisions**

Agriculture, Forestry & Fishing	Financial & Insurance Services
Mining	Rental, Hiring & Real Estate Services
Manufacturing	Professional, Scientific & Technical Services
Electricity, Gas, Water and Waste Services	Administrative & Support Services
Construction	Public Administration & Safety
Wholesale Trade	Education & Training
Retail Trade	Health Care & Social Assistance
Accommodation & Food Services	Arts & Recreation Services
Transport, Postal & Warehousing	Other Services
Information Media & Telecommunications	

2. a Capital City cap of 35 per cent, which was the same percentage as used by the Victorian Grants Commission;

3. an uplift factor of 40 per cent was applied to the non-capital city councils considered as providing regional services, namely Burnie, Clarence, Devonport, Glenorchy and Launceston. The uplift factor was the same percentage as used by the Victorian Grants Commission. The uplift factor in the Tasmanian proposal was applied to those councils with “city” status;
4. a floor to the percentage of population employed in the service industry of 10 per cent. The floor was set at the same percentage as used by the Victoria Grants Commission; and
5. for all other LGAs, using the actual percentages employed in service industries.

Feedback received from councils at the 2020 Hearings and Visits indicated strong support for the use of actual employment ratios rather than the use of arbitrarily imposed floor and uplift factors. The Commission’s 2021 RSI Cost Adjustor proposal does not contain any floor and uplift factors, and only contains a Major City cap of 40 per cent.

The Commission considers that the raw data on service industry employment is arguably the preferred data to be used to measure the impacts of non-residents on the delivery of council services. It does however see a need to place a high level cap on the RSI employment rate used as noted in detail under “Other Commission observations” on page 8.

It is therefore proposed that a Major City cap of 40 per cent be applied. The Commission considers that this will better represent the relative advantages and disadvantages incurred by councils across Tasmania due to the impact of non-residents on council services and facilities.

The 2020 Hearings and Visit included considerable discussion on why some industries were not included in the dataset informing the 2020 RSI Cost Adjustor proposal. The 2020 discussions had considered introducing a RSI Cost Adjustor as a replacement for both the Commission’s Regional Responsibility Cost Adjustor and Worker Influx Cost Adjustor. Given the Commission has now decided to retain the Worker Influx Cost Adjustor, which is based on all worker inflows and outflows for work based on the Census, the non-resident impacts from these regular worker movements across all industries will still be reflected in the Commission’s methodology.

The Commission’s 2021 RSI proposal is still based on the same industries as the 2020 RSI Cost Adjustor proposal. The Commission proposes it now be a replacement for only the current Regional Responsibility Cost Adjustor.

### **Category Application and Redistributive effects:**

The Commission’s 2021 RSI Cost Adjustor proposal is for the new cost adjustor to apply as follows:

- to the Recreation and Culture expenditure category, being the same category that the Regional Responsibility Cost Adjustor applies; and
- for approximately a similar total redistributive effect as the Regional Responsibility Cost Adjustor, namely approximately \$6.5 million.

The Commission modelled the inclusion of its RSI Cost Adjustor as applying to both the Recreation and Culture expenditure category and the Waste Management and Environment



expenditure category (both in total and in part<sup>1</sup>) and found that the impact of adding the Waste Management and the Environment category was immaterial. This accords with the discussions the Commission had with councils in 2020, in that most of the expenditure impact is in the Recreation and Culture categories, and expenditure incurred in the Waste Management and Environmental expenditure category attributable to the non-residents that are not part of the typical worker influx flow, would be using services that are generally part of user-pays or cost recovery systems (e.g. businesses paying for waste removal through rates)<sup>2</sup>.

Appendix 1 shows the 2021 version of the Commission's RSI Cost Adjustor proposal. Appendix 2 shows the Regional Responsibility Cost Adjustor Impacts (the Commission's current methodology) based on the 2020-21 Base Grant Model, whereas Appendix 3 provides an indication of the impacts of the 2021 proposal for the RSI Cost Adjustor, based on the 2020-21 Base Grant Model. Appendix 4 provides a simple comparison on the cost adjustor impacts of both the current and the proposed changes.

It should be noted that the cost adjustor impact value does not represent the dollar impact on any council's grant outcomes. The grant impacts will be less than the cost adjustor impacts due to the level of funding available for distribution being less than the net expenditure requirement of the entire local government sector.

### **COVID-19 impacts on tourism and all sectors of service delivery**

The Commission notes that COVID-19 has had significant impacts and it is likely to change how all service industries will look in the future (e.g. tele-health services). The 2021 Census results are also likely to be very different to the 2016 Census results.

The Commission will review the Census data and, if the 2021 data appears to be unrepresentative, it is possible that the Commission may consider options such as using the 2016 Census data in implementing the RSI Cost Adjustor.

While the Commission is still consulting on solutions, it will not be making any immediate methodology changes to its Base Grant Model in respect of this issue. Consistent with the Commission's Strategic Framework and Operating Plan, the Commission will issue a Preliminary Decision Paper advising councils of its intended solution prior to implementing any changes. This Preliminary Decision Paper will provide councils with a final opportunity to provide feedback on any solution before any implementation will occur.

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<sup>1</sup> The Commission's Base Grant Model now provides the ability to apply cost adjustors at a different proportion to other expenditure categories e.g. 25 per cent for one category and 100% for another expenditure category) rather than the previous on/off only cost adjustor application mechanism.

<sup>2</sup> Car parking activities are already excluded from the Commission's methodology.

## Tourism impacts

The Commission notes that the predominant council feedback supported assessing tourism impacts separately from the RSI Cost Adjustor as they have slightly different impacts. This will be covered in a later DP which will include issues such as:

- how should tourism impacts be recognised;
- discussion on whether different tourists have similar or different impacts on service industries (e.g. tourists at Port Arthur versus shack owners or non-residents attending a football match);
- which expenditure categories should be included in the Tourism Cost Adjustor; and
- Road maintenance impacts.

## Questions to councils

1. What are your views on the structure of the proposed RSI Cost Adjustor?
2. Do you support the retention of the Absentee Population, Worker Influx and Tourism Cost Adjustors, to account for these routine non-resident people movements?
3. Do the expenditure categories of the proposed RSI Cost Adjustor (Recreation and Culture only) appear appropriate?
4. Does the total amount redistributed and ranking of disadvantaged councils of the proposed RSI Cost Adjustor look appropriate?
5. Should the RSI Cost Adjustor be applied to different or additional expenditure categories at a different level (percentage) and if so, which and how much (e.g. Waste Management and the Environment expenditure category as compared to Recreation and Culture)?

## Submissions Due date

Note that the Commission now has a policy of continuous improvement of its methodology and implements methodology changes as and when its research and consultation processes have addressed all the issues and the Commission is ready to implement a change.

Whilst encouraging written feedback from councils on the latest proposal by 22 January 2021 for the Commission to consider prior to it commencing the 2021 hearings and visits, the Commission is very aware of the complexity of this issue and will also receive verbal feedback on the proposal as part of the 2021 hearings and visits.

The closing date for final written submissions is Wednesday, 10 March 2021.

Following feedback from councils and assuming the Commission is in a position to enable decisions to be made, the Commission expects to publish its preliminary position on this issue later in 2021. This will provide councils with a further opportunity to comment before any solution is implemented.

## Appendices

## Appendix 1: Regional Service Industry Employment Cost Adjustor

Name ID	Population POP2018- 19	EmployServiceIndustry	PersonsPlaceUsual Residence	Employed/per Population EmployServiceRaw	Employed/per 100 Population with Capital City Cap EmployServiceA djuted	Primary Index	Population Weighted Average	Ranged Cost Adjustor		Ranged Cost Adjustor Rank
								Raw Cost Adjustor	Adjustor	
Break O'Day	6 288	1 127	6 104	18.46	18.46	1.4616	9 190	0.923	0.951	12
Brighton	17 675	1 645	16 512	9.96	9.96	1.2491	22 077	0.789	0.866	28
Burnie	19 550	7 352	18 894	38.91	38.91	1.9728	38 568	1.246	1.155	3
Central Coast	21 938	3 444	21 362	16.12	16.12	1.4031	30 780	0.886	0.928	18
Central Highlands	2 130	228	2 145	10.63	10.63	1.2657	2 696	0.799	0.873	27
Circular Head	8 078	1 402	7 920	17.70	17.70	1.4426	11 653	0.911	0.944	14
Clarence	57 807	10 950	54 818	19.98	19.98	1.4994	86 675	0.947	0.966	11
Derwent Valley	10 424	1 316	10 022	13.13	13.13	1.3283	13 846	0.839	0.898	22
Devonport	25 633	7 322	24 702	29.64	29.64	1.7410	44 628	1.099	1.063	4
Dorset	6 634	1 120	6 619	16.92	16.92	1.4230	9 440	0.898	0.936	15
Flinders	1 010	215	899	23.92	23.92	1.5979	1 614	1.009	1.006	5
George Town	6 968	825	6 763	12.20	12.20	1.3050	9 093	0.824	0.889	23
Glamorgan-Spring Bay	4 602	933	4 400	21.20	21.20	1.5301	7 042	0.966	0.979	7
Glenorchy	47 969	10 809	46 246	23.37	23.37	1.5843	75 998	1.000	1.000	6
Hobart	54 649	44 053	50 443	87.33	40.00	2.0000	109 298	1.263	1.166	1
Huon Valley	17 561	2 196	16 199	13.56	13.56	1.3389	23 513	0.845	0.902	21
Kentish	6 315	721	6 126	11.77	11.77	1.2942	8 173	0.817	0.884	24
King Island	1 610	327	1 583	20.66	20.66	1.5164	2 441	0.957	0.973	9
Kingborough	38 310	5 858	35 852	16.34	16.34	1.4085	53 959	0.889	0.930	17
Latrobe	11 638	1 950	10 700	18.22	18.22	1.4556	16 940	0.919	0.949	13
Launceston	68 007	26 180	65 274	40.11	40.00	2.0000	136 014	1.263	1.166	1
Meander Valley	19 844	3 176	19 281	16.47	16.47	1.4118	28 016	0.891	0.931	16
Northern Midlands	13 437	1 755	12 821	13.69	13.69	1.3422	18 035	0.847	0.903	20
Sorell	15 603	1 594	14 415	11.06	11.06	1.2764	19 916	0.806	0.877	25
Southern Midlands	6 290	505	6 042	8.36	8.36	1.2090	7 604	0.763	0.850	29
Tasman	2 414	479	2 372	20.19	20.19	1.5048	3 633	0.950	0.968	10
Waratah-Wynyard	13 828	1 932	13 575	14.23	14.23	1.3558	18 748	0.856	0.909	19
West Coast	4 175	868	4 152	20.91	20.91	1.5226	6 357	0.961	0.976	8
West Tamar	24 070	2 452	22 719	10.79	10.79	1.2698	30 565	0.802	0.874	26
State Total	534 457	142 734	508 960				846 513	PWA = 1.000	PWA = 1.000	
				Lower Limit	1		PWA = 1.584	Minimum = 0.763	Minimum = 0.850	
				Upper Limit	2			Maximum = 1.263	Maximum = 1.166	

Appendix 2: Regional Responsibility Cost Adjustor Impacts (Current Cost Adjustor)										
Regional Responsibility Recreation & Culture expenditure category only	General Administration	Health, Housing and Welfare	Law, Order and Public Safety	Planning and Community Amenities	Waste Management and Environment	Recreation and Culture	Other	Total Expenditure Effect of cost adjustor	Impact on Applicable Expenditure Categories	Rank - Percentage impact of cost adjustor on non- roads expenditure
Title Year	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19
Unit	\$	\$	\$	\$	\$	\$	\$	\$	%	
Cost Adjustor 6 Regional Responsibility										
Break O'Day	+ 0	+ 0	+ 0	+ 0	+ 0	- 155 973	+ 0	- 155 973	-9.8%	7
Brighton	+ 0	+ 0	+ 0	+ 0	+ 0	- 438 427	+ 0	- 438 427	-9.8%	7
Burnie	+ 0	+ 0	+ 0	+ 0	+ 0	+ 57 689	+ 0	+ 57 689	+1.2%	2
Central Coast	+ 0	+ 0	+ 0	+ 0	+ 0	- 544 170	+ 0	- 544 170	-9.8%	7
Central Highlands	+ 0	+ 0	+ 0	+ 0	+ 0	- 52 834	+ 0	- 52 834	-9.8%	7
Circular Head	+ 0	+ 0	+ 0	+ 0	+ 0	- 200 374	+ 0	- 200 374	-9.8%	7
Clarence	+ 0	+ 0	+ 0	+ 0	+ 0	+ 170 581	+ 0	+ 170 581	+1.2%	2
Derwent Valley	+ 0	+ 0	+ 0	+ 0	+ 0	- 258 567	+ 0	- 258 567	-9.8%	7
Devonport	+ 0	+ 0	+ 0	+ 0	+ 0	+ 75 640	+ 0	+ 75 640	+1.2%	2
Dorset	+ 0	+ 0	+ 0	+ 0	+ 0	- 164 556	+ 0	- 164 556	-9.8%	7
Flinders	+ 0	+ 0	+ 0	+ 0	+ 0	- 25 053	+ 0	- 25 053	-9.8%	7
George Town	+ 0	+ 0	+ 0	+ 0	+ 0	- 172 841	+ 0	- 172 841	-9.8%	7
Glamorgan-Spring Bay	+ 0	+ 0	+ 0	+ 0	+ 0	- 114 152	+ 0	- 114 152	-9.8%	7
Glenorchy	+ 0	+ 0	+ 0	+ 0	+ 0	+ 141 550	+ 0	+ 141 550	+1.2%	2
Hobart	+ 0	+ 0	+ 0	+ 0	+ 0	+ 161 262	+ 0	+ 161 262	+1.2%	2
Huon Valley	+ 0	+ 0	+ 0	+ 0	+ 0	- 435 599	+ 0	- 435 599	-9.8%	7
Kentish	+ 0	+ 0	+ 0	+ 0	+ 0	- 156 643	+ 0	- 156 643	-9.8%	7
King Island	+ 0	+ 0	+ 0	+ 0	+ 0	- 39 936	+ 0	- 39 936	-9.8%	7
Kingborough	+ 0	+ 0	+ 0	+ 0	+ 0	- 950 277	+ 0	- 950 277	-9.8%	7
Latrobe	+ 0	+ 0	+ 0	+ 0	+ 0	- 288 680	+ 0	- 288 680	-9.8%	7
Launceston	+ 0	+ 0	+ 0	+ 0	+ 0	+5 863 444	+ 0	+5 863 444	+34.2%	1
Meander Valley	+ 0	+ 0	+ 0	+ 0	+ 0	- 492 229	+ 0	- 492 229	-9.8%	7
Northern Midlands	+ 0	+ 0	+ 0	+ 0	+ 0	- 333 304	+ 0	- 333 304	-9.8%	7
Sorell	+ 0	+ 0	+ 0	+ 0	+ 0	- 387 031	+ 0	- 387 031	-9.8%	7
Southern Midlands	+ 0	+ 0	+ 0	+ 0	+ 0	- 156 023	+ 0	- 156 023	-9.8%	7
Tasman	+ 0	+ 0	+ 0	+ 0	+ 0	- 59 879	+ 0	- 59 879	-9.8%	7
Waratah-Wynyard	+ 0	+ 0	+ 0	+ 0	+ 0	- 343 003	+ 0	- 343 003	-9.8%	7
West Coast	+ 0	+ 0	+ 0	+ 0	+ 0	- 103 561	+ 0	- 103 561	-9.8%	7
West Tamar	+ 0	+ 0	+ 0	+ 0	+ 0	- 597 055	+ 0	- 597 055	-9.8%	7
Sum Redistributed	0	0	0	0	0	6 470 166	0	6 470 166		
as a proportion of categorised expenditure	0.000%	0.000%	0.000%	0.000%	0.000%	4.802%	0.000%		4.802%	

Appendix 3: Regional Service Industry Cost Adjustor Impacts										
RSI applied to Recreation & Culture expenditure category only	General Administration	Health, Housing and Welfare	Law, Order and Public Safety	Planning and Community Amenities	Waste Management and Environment	Recreation and Culture	Other	Impact on Applicable Expenditure	Impact on Non- roads Expenditure	
Title Year	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19
Unit	\$	\$	\$	\$	\$	\$	\$	%	%	
Cost adjustor 13										
Service Industry Employment										
Break O'Day	+ 0	+ 0	+ 0	+ 0	- 77 481	+ 0	- 77 481	-1.3%	12	
Brighton	+ 0	+ 0	+ 0	+ 0	- 596 277	+ 0	- 596 277	-3.5%	28	
Burnie	+ 0	+ 0	+ 0	+ 0	+ 766 113	+ 0	+ 766 113	+4.1%	3	
Central Coast	+ 0	+ 0	+ 0	+ 0	- 399 702	+ 0	- 399 702	-1.9%	18	
Central Highlands	+ 0	+ 0	+ 0	+ 0	- 68 279	+ 0	- 68 279	-3.3%	27	
Circular Head	+ 0	+ 0	+ 0	+ 0	- 115 029	+ 0	- 115 029	-1.5%	14	
Clarence	+ 0	+ 0	+ 0	+ 0	- 492 151	+ 0	- 492 151	-0.9%	11	
Derwent Valley	+ 0	+ 0	+ 0	+ 0	- 268 458	+ 0	- 268 458	-2.7%	22	
Devonport	+ 0	+ 0	+ 0	+ 0	+ 405 902	+ 0	+ 405 902	+1.6%	4	
Dorset	+ 0	+ 0	+ 0	+ 0	- 107 519	+ 0	- 107 519	-1.7%	15	
Flinders	+ 0	+ 0	+ 0	+ 0	+ 1 426	+ 0	+ 1 426	+0.1%	5	
George Town	+ 0	+ 0	+ 0	+ 0	- 195 818	+ 0	- 195 818	-2.9%	23	
Glamorgan-Spring Bay	+ 0	+ 0	+ 0	+ 0	- 24 929	+ 0	- 24 929	-0.6%	7	
Glenorchy	+ 0	+ 0	+ 0	+ 0	+ 2 154	+ 0	+ 2 154	+0.0%	6	
Hobart	+ 0	+ 0	+ 0	+ 0	+2 291 348	+ 0	+2 291 348	+4.4%	1	
Huon Valley	+ 0	+ 0	+ 0	+ 0	- 433 450	+ 0	- 433 450	-2.6%	21	
Kentish	+ 0	+ 0	+ 0	+ 0	- 184 295	+ 0	- 184 295	-3.0%	24	
King Island	+ 0	+ 0	+ 0	+ 0	- 10 942	+ 0	- 10 942	-0.7%	9	
Kingborough	+ 0	+ 0	+ 0	+ 0	- 677 022	+ 0	- 677 022	-1.8%	17	
Latrobe	+ 0	+ 0	+ 0	+ 0	- 150 411	+ 0	- 150 411	-1.3%	13	
Launceston	+ 0	+ 0	+ 0	+ 0	+2 851 428	+ 0	+2 851 428	+4.4%	1	
Meander Valley	+ 0	+ 0	+ 0	+ 0	- 344 050	+ 0	- 344 050	-1.8%	16	
Northern Midlands	+ 0	+ 0	+ 0	+ 0	- 327 188	+ 0	- 327 188	-2.5%	20	
Sorell	+ 0	+ 0	+ 0	+ 0	- 483 321	+ 0	- 483 321	-3.2%	25	
Southern Midlands	+ 0	+ 0	+ 0	+ 0	- 237 616	+ 0	- 237 616	-3.9%	29	
Tasman	+ 0	+ 0	+ 0	+ 0	- 19 222	+ 0	- 19 222	-0.8%	10	
Waratah-Wynyard	+ 0	+ 0	+ 0	+ 0	- 317 776	+ 0	- 317 776	-2.4%	19	
West Coast	+ 0	+ 0	+ 0	+ 0	- 25 760	+ 0	- 25 760	-0.6%	8	
West Tamar	+ 0	+ 0	+ 0	+ 0	- 761 675	+ 0	- 761 675	-3.3%	26	
Sum Redistributed	0	0	0	0	6 318 371	0	6 318 371			
as a proportion of categorised expenditure	0.000%	0.000%	0.000%	0.000%	4.689%	0.000%		0.923%		



Appendix 4: Comparison of Regional Responsibility and Regional Service Industry Cost Adjustor Redistributive effects			
	Current methodology RR Cost Adjustor applying to Rec & Culture	Changed methodology RSI Cost Adjustor applying to R&C 100% only Major City Cap 40%	Cost Adjustor Impact Difference
<b>Council</b>	\$	\$	\$
Break O'Day	- 155 973	- 77 481	+ 78 492
Brighton	- 438 427	- 596 277	- 157 850
Burnie	+ 57 689	+ 766 113	+ 708 423
Central Coast	- 544 170	- 399 702	+ 144 469
Central Highlands	- 52 834	- 68 279	- 15 444
Circular Head	- 200 374	- 115 029	+ 85 345
Clarence	+ 170 581	- 492 151	- 662 732
Derwent Valley	- 258 567	- 268 458	- 9 891
Devonport	+ 75 640	+ 405 902	+ 330 262
Dorset	- 164 556	- 107 519	+ 57 037
Flinders	- 25 053	+ 1 426	+ 26 479
George Town	- 172 841	- 195 818	- 22 977
Glamorgan-Spring Bay	- 114 152	- 24 929	+ 89 223
Glenorchy	+ 141 550	+ 2 154	- 139 396
Hobart	+ 161 262	+2 291 348	+2 130 086
Huon Valley	- 435 599	- 433 450	+ 2 149
Kentish	- 156 643	- 184 295	- 27 652
King Island	- 39 936	- 10 942	+ 28 994
Kingborough	- 950 277	- 677 022	+ 273 254
Latrobe	- 288 680	- 150 411	+ 138 268
Launceston	+5 863 444	+2 851 428	-3 012 016
Meander Valley	- 492 229	- 344 050	+ 148 179
Northern Midlands	- 333 304	- 327 188	+ 6 115
Sorell	- 387 031	- 483 321	- 96 289
Southern Midlands	- 156 023	- 237 616	- 81 593
Tasman	- 59 879	- 19 222	+ 40 657
Waratah-Wynyard	- 343 003	- 317 776	+ 25 227
West Coast	- 103 561	- 25 760	+ 77 801
West Tamar	- 597 055	- 761 675	- 164 620
<b>State Total</b>	<b>+6 470 166</b>	<b>+6 318 371</b>	<b>- 151 795</b>

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## Fact Sheet FS-001: The National Financial Assistance Grant (FA Grant) Funding Pool and Australian Government's calculation of Tasmania's allocation: Indexation

The State Grants Commission issues Fact Sheets as general purpose educational tools aimed at assisting stakeholders understand, in general terms, concepts associated with the administration of the Australian Government's Local Government Financial Assistance Grant program in Tasmania.

The State Grants Commission (the Commission) is responsible for determining the allocation of funding that is provided by the Australian Government for Tasmanian councils. The level of funding for Tasmania (and all other states and territories) and timing of the funding is determined by the Australian Government. The following provides information on how the Australian Government determines the total level of funding, and the timing of payment of that funding.

### How is the size of the National FA Grant pool determined?

Each year the Australian Government estimates each state and territory's share of the total FA Grant funding pool. The national FA Grant funding pool (which is made up of the General Purpose/Base Grant pool and the Identified Local Government Roads/Road Grant pool) is normally indexed annually by a combined factor of population growth and a CPI factor<sup>1</sup> as follows:

Indexation Factor = (Population of Australia/previous Population of Australia) x (CPI/previous CPI)

For the 2020–21 Funding Pool, the relevant components are:

- The starting point: the size of the 2019–20 funding.
- The Estimated National Population for both December 2018 and December 2017 by state and territory (Australian Bureau of Statistics (ABS) Catalogue 3101.0);
- The Consumer Price Index (CPI) for March 2020 and the estimate for the CPI March 2021 (ABS Catalogue 6401.0).

### What is the Prior Year Adjustment?

Each year the Australian Government also finalises each annual entitlement for the prior year once final population and CPI data are known. This recalculation of entitlements results in the adjustment that is

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<sup>1</sup> In 2015 the Australian Government froze the indexation of the National FA Grant funding pool for three years.

made to the prior year's entitlements, and gets factored in to the Cash allocations that occur the following year.

The starting point: the size of the 2018–19 funding pool.

- The Estimated National Population for both December 2017 and December 2018 by state and territory (ABS Catalogue 3101.0)
- The Consumer Price Index (CPI) for March 2019 and the estimate for the CPI March 2020 (ABS Catalogue 6401.0).

### Do Advance Payments affect the size of the funding pool?

Yes – Advance payments affect the amount of indexation as it affects the base on which indexation applies. A demonstration on how advance payments impacted the indexation in determining the 2020–21 entitlements is detailed in the Determination Instrument available at

<https://www.legislation.gov.au/Details/F2020L00835>

### Who decides if and when there is an Advance Payment?

The Australian Government determines if and when an advance payment of the forthcoming year's FA Grants occurs in any year. The Australian Government also decides the distribution of any advance payments amongst councils. Typically the Australian Government uses the most recent year's approved FA Grant allocation proportions as the basis for determining how it will distribute the advance payment.

Sometimes the Australian Government's Federal Budget indicates if an advance payment of the forthcoming year's FA Grant funding will occur in a year. Even if there is no indication of this in the Federal Budget, the Australian Government may still choose to make an Advance Payment before the end of a financial year. Sometimes this occurs with very little advance notice.

### What is Tasmania's share of each of the National funding pools?

Base Grant funding pool: Tasmania receives a share of this funding pool based on Tasmania's population share of the National Population. Accordingly, Tasmania's share of the National Base Grant funding pool changes each year.

Road Grant funding pool: Tasmania receives a fixed 5.3 per cent of the National Road Grant funding pool. This percentage is based on proportions historically agreed to by all jurisdictions.

#### Further Information:

The information provided above is general in nature and reflects the Commission's methodology as at 3 December 2020.

For further explanation of the Commission's methodology or feedback on this Fact Sheet, please contact the Commission at [sgc@treasury.tas.gov.au](mailto:sgc@treasury.tas.gov.au).

## Fact Sheet FS-002: The National Financial Assistance Grant (FA Grant) Funding Pool and Australian Government's calculation of Tasmania's allocation: Advance Payments

The State Grants Commission issues Fact Sheets as general purpose educational tools aimed at assisting stakeholders understand, in general terms, concepts associated with the administration of the Australian Government's Local Government Financial Assistance Grant program in Tasmania.

The State Grants Commission (the Commission) is responsible for determining the allocation of funding that is provided by the Australian Government for Tasmanian councils. There are two pools of funding, being the Base Grant funding pool and the Road Grant funding pool. Collectively these are referred to as FA Grants. The level of funding for Tasmania (and all other states and territories) and timing of the funding of the FA Grants is determined by the Australian Government. The following provides information on how the Australian Government determines the allocation of the advance payments.

### How is the distribution of Advance Payments determined?

The Commission is not involved or consulted in the process of determining the distribution of any advance payment. If the Australian Government decides to make an advance payment of FA Grant funding to councils in any year, the Australian Government Minister determines the distribution of those funds.

The Australian Government Minister uses the previous year's grant allocations submitted by the Commission to determine the allocation of the advance payment. For example, for the 2020-21 FA Grant funding advance payment received by councils in May 2020, the Australian Government Minister based the allocation on the Commission's 2019-20 FA Grant recommendations.

### Does a 50 per cent Advance Payment to Tasmania represent 50 per cent of my council's upcoming year's FA Grant funding?

No, not necessarily. The Advance payment allocation determined by the Australian Government Minister is generally based on the proportion of funds according to the previous year's recommendations made by the Commission. When the Commission makes its current year recommendations in July each year, this is based on more up to date information and the current methodologies the Commission is using. To the extent there are changes in the underlying data or changes in methodology from year to year, individual council's share of the FA Grant funding pools will change. This is why the advance payment from the Australian Government may not represent 50 per cent of a council's upcoming year's FA Grant allocation.

While the Australian Government may make an advance payment to states and territories which is approximately 50 per cent of the State's total funding entitlement, differences in council relative needs for assistance as assessed by the Commission's Base Grant Model and Road Preservation Model mean that each councils' share of the State's funding pool will change and the advance payment could be more, or less, than 50 per cent of the council's actual entitlement.

While the Commission's Base Grant Model contains collars (caps and floors) to constrain the extent of volatility in the year on year Base Grant outcomes, there will still be some level of fluctuation in individual council's share of the respective FA Grant funding pools.

In addition to changes in each council's relative share of each FA Grant funding pool, cash payments to councils each year will include some component of the Australian Government's adjustment to the State's prior year entitlement to account for actual population figures and Consumer Price Index rates.

### How do I reconcile Commission allocations to cash payments my council will receive this year?

The Commission makes its recommendations of each councils' Base Grant funding and Road Grant funding entitlement each year. It is important to note that these do not directly represent the amount of cash a council will receive in a financial year.

The following formula shows how to reconcile the Commission's allocations (being recommendations that have been approved by the Tasmanian Treasurer and the Australian Government Minister and attached to the advice provided to councils by the Commission every August) to expected cash receipts in a financial year.

Commission Recommendations for a year

- Any Advance payment of funding paid in the previous financial year
- +/- the share of the State's adjustment to the prior year funding entitlement
- = expected Cash receipts for a council.

Councils may also receive additional cash in the current year if the Australian Government decides to pay an advance payment for the following year as well.



### When are the FA Grant funding instalments paid to councils?

The Australian Government pays the FA Grant funding to all states and territories as four quarterly instalments. These instalments are paid on 15 August, 15 November, 15 February and 15 May each year or the next business day if these dates fall on either a weekend or public holiday. These are paid to the Department of Treasury and Finance (Treasury) and are distributed promptly to councils following receipt of the funds from the Australian Government.

If the Australian Government decides to make an advance payment of a future year's FA Grant funding, the timing of the advance payment is determined by the Australian Government and is additional to the above mentioned FA Grant quarterly payment cycle.

### Further Information:

The information provided above is general in nature and reflects the Commission's methodology as at 3 December 2020.

For further explanation of the Commission's methodology or feedback on this Fact Sheet, please contact the Commission at [sgc@treasury.tas.gov.au](mailto:sgc@treasury.tas.gov.au).

# Fact Sheet FS-003: Cost Adjustor Impacts

The State Grants Commission issues Fact Sheets as general purpose educational tools aimed at assisting stakeholders understand, in general terms, concepts associated with the administration of the Australian Government's Local Government Financial Assistance Grant program in Tasmania.

The State Grants Commission (the Commission) is responsible for determining the allocation of funding that is provided by the Australian Government for Tasmanian councils. This Local Government funding program, known as the Local Government Financial Assistance Grants (FA Grants) is provided as two funding pools: the General Purpose/Base Grant funding pool and the Identified Local Roads/Road Grant funding pool.

The primary principle that the Commission is required to consider when determining the distribution of the FA Grant funding is horizontal fiscal equalisation (HFE). HFE is a reference to the allocation of funds in a manner that:

- ensures that each local governing body in a State is able to function, by reasonable effort, at a standard not lower than the average standard of other local governing bodies in the State; and
- takes account of differences in the expenditure required to be incurred by local governing bodies in the performance of their functions and in their capacity to raise revenue.

For the distribution of the Road Grant funding, the principle the Commission is required to apply is the relative need of each council for road expenditure to preserve its road assets. In assessing road needs, relevant considerations include length, type and usage of roads in each local governing area.

## Cost Adjustors

The Commission strives to take account of inherent advantages and disadvantages of each council through the application of cost adjustors designed to recognise specific challenges faced by councils.

The Commission uses Cost Adjustors in both the Commission's Base Grant Model and its Road Preservation Model.

### The Base Grant Model (BGM) process:

In the BGM, the starting point in the process is calculating the Average expenditure for each council. This is done by calculating the per capita expenditure on a statewide basis by summing all councils' expenditure<sup>1</sup> for each category and dividing the total by the state's population. Each council's average expenditure is then calculated by multiplying each council's population by the average per capita expenditure rate. Cost adjustors then modify the average expenditure calculation based on an index or measure that the Commission has determined as an appropriate indicator of the particular issue. Cost adjustors are not applied to what a council actually spends, they are applied to the average expenditure as calculated by the Commission.

The Commission's BGM currently has 11 cost adjustors:

#### Base Grant Model Cost Adjustors

- Absentee Population
- Climate
- Dispersion
- Isolation
- Population Decline
- Regional Responsibility
- Scale (Administration)
- Scale (Other)
- Tourism
- Socio-Economic Indicator For Areas (SEIFA) (Index of Relative Disadvantage (IRSD))
- Worker Influx

For the BGM, each cost adjustor redistributes a portion of expenditure across all councils based on the index of relative disadvantage. This results in a council being assessed as being disadvantaged due to certain inherent aspects that it cannot control and which make it inherently more expensive to deliver services than other councils. Ultimately these result in the Commission recognising those disadvantaged councils' having a greater expenditure requirement than they otherwise would have had, and therefore, all other things being equal, having a greater relative need for financial assistance than those councils that experience advantages in that area.

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<sup>1</sup> Expenditure used is a net figure after taking account of other current financial support and grants a council receives.

Each Base Grant cost adjustor redistributes expenditure from councils that are relatively advantaged on the relative measure towards those councils that experience a greater disadvantage.

The BGM cost adjustors are applied to expenditure categories<sup>2</sup> according to how each issue being assessed is understood to affect council expenditure requirements. The current BGM cost adjustors are applied to the per capita council expenditure according to the following matrix:

<b>Expenditure category/Cost Adjustor</b>	General Administration	Health, Housing and Welfare	Law, Order and Public Safety	Planning and Community Amenities	Waste Management and Environment	Recreation and Culture	Other
Absentee Population	✓			✓	✓	✓	
Climate				✓	✓	✓	
Dispersion			✓	✓	✓	✓	
Isolation	✓			✓		✓	
Population Decline	✓	✓	✓	✓	✓	✓	
Regional Responsibility						✓	
Scale (Administration)	✓						
Scale (Other)				✓	✓	✓	
Tourism			✓	✓	✓	✓	
SEIFA (IRSD)				✓			
Worker Influx				✓	✓	✓	

<sup>2</sup> For information on the expenditure categories the Commission uses, please refer to Section 2.2 of the State Grants Commission's [Financial Assistance Grants Distribution Methodology](#) paper.

For the 2020–21 FA Grant distributions, the Base Grant Cost Adjustor expenditure redistributive effect and the most and least disadvantaged per capita impact for each cost adjustor were as follows:

Base Grant Model Cost Adjustors	Total Expenditure Redistributive Effect	Impact for most affected council	Most Affected/Highest ranked Council per capita effect \$	Least Affected/Lowest ranked Council per capita effect \$
Absentee Population	6 128 543	+577 605	271.18	-35.67
Climate	229 262	+229 262	54.91	-0.43
Dispersion	4 881 461	+520 529	113.11	-23.75
Isolation	3 039 122	+299 198	185.84	-14.85
Population Decline	334 453	+69 862	32.80	-0.65
Regional Responsibility	6 470 166	+5 863 444	86.22	-24.80
Scale (Administration)	13 786 238	+515 797	510.69	-62.43
Scale (Other)	7 368 779	+275 695	272.96	-33.37
Tourism	1 101 619	+226 156	49.14	-6.48
SEIFA (IRSD)	966 661	+58 162	8.35	-6.90
Worker Influx	2 312 632	+1 768 313	32.36	-12.32
<b>Total</b>	<b>28 001 526 (\$52.39 per capita)</b>	<b>+986 577</b>	<b>976.81</b>	<b>-130.40</b>

The above table shows the expenditure redistribution impact and not the grant outcome impact for councils. As the Base Grant funding pool is insufficient to fully fund the assessed deficits of all councils, the grant outcome impacts of the above cost adjustors is only a proportion of the effects outlined above.

### The Road Preservation Model (RPM) process

The Commission's RPM currently has four cost adjustors

#### Road Preservation Model Cost Adjustors

- Rainfall
- Terrain
- Traffic
- Remoteness

The Commission's RPM calculates each council's total road asset preservation needs. The RPM's road asset preservation need is calculated based on a standard unit rate for each road type. The Commission uses three road types: urban sealed, rural sealed and unsealed. The Commission's standard assessment of each council's total road asset preservation need is calculated by multiplying each council's reported road length by road type by the standard unit rate for that road type. The RPM cost adjustors then modify the Commission's standard assessment of that council's total road asset preservation needs based on the relative disadvantages or advantages of that council's road network circumstances. While the Commission includes bridge and major culvert assets in the calculation of the total road network preservation needs, RPM cost adjustors only apply to the road preservation portion of the road network assessment<sup>3</sup>,

The Rainfall and Traffic RPM cost adjustors recognise both relative advantages and disadvantages, which can either result in an increase or decrease in the asset preservation assessment for a council whereas the Terrain and Remoteness cost adjustors recognise relative disadvantages, which only result in an increase in the asset preservation assessment for the council's road length by road type.

Bridges and major culverts currently represent 5.1 per cent of the assessed asset preservation need.

For the 2020–21 FA Grant distributions, the Road Grant Cost adjustor redistributive effect were as follows:

Road Preservation Model Cost Adjustors	Sum Redistributed \$
Rainfall	2 348 224
Terrain	3 100 212
Traffic	2 954 453
Remoteness	5 277 124

<sup>3</sup> Bridges and major culverts currently represent 5.1 per cent of the assessed asset preservation need.

### Further Information:

The information provided above is general in nature and reflects the Commission's methodology as at 3 December 2020.

For further explanation of the Commission's methodology or feedback on this Fact Sheet, please contact the Commission at [sgc@treasury.tas.gov.au](mailto:sgc@treasury.tas.gov.au).

# Strategic and Operational Planning Framework

Information Paper IP20-16

**September 2020**



## Context

The State Grants Commission (the Commission) is an independent statutory body established under the *State Grants Commission Act 1976* and is responsible for recommending the distribution of Australian Government funds for Tasmanian local government authorities to the Australian Government through the Tasmanian Treasurer. These funds are known as Financial Assistance (FA) Grants.

The Commission also recommends the distribution of Tasmania Government funds known as Heavy Vehicle Motor Tax Revenue amongst Tasmanian local government authorities to the Tasmanian Treasurer.

To ensure that the distribution of available funds is as equitable and contemporary as possible, within legislative requirements, the Commission continually monitors council practices and updates assessment methods and data where appropriate.

Based on these reviews, the Commission implements changes as they are determined. This approach enables the appropriate prioritisation and resourcing of reviews and projects the Commission seeks to do, to be conducted in a matter that enables the Commission's methodology to take into account, and ultimately result in its recommendations being as reflective of the current Tasmanian local government sector characteristics, as much as possible.

In relation to FA Grants, the Commission continues to provide a degree of certainty to councils by ensuring that fluctuations in grant outcomes are moderated by the Commission's use of averaging and the application of collars (caps and floors) in its Base Grant Model.

The Commission takes a strategic approach to its processes and work planning. This includes the Commission's continuous review of its Strategic and Operational Planning Framework. The Commission's current work program and projects, and their priorities, are detailed within this Framework.

In addition to its processes for conducting reviews, the Commission seeks to uphold good governance practices to its internal operational processes.

The Commission welcomes feedback from stakeholders on its Strategic and Operational Planning Framework.

# Introduction

The Commission relies on a number of factors in ensuring the integrity and meaningfulness of its deliberations and its decisions, which ultimately result in the annual allocation of the FA Grant funding to Tasmanian councils. These factors include, but are not limited to:

- The accuracy and consistency of the data input utilised;
- The Excel based mathematical “FA Grant Model” (the Model) which take the various data inputs and produce the allocation results, based on the parameters determined by the Commission;
- The conversion of the Commission’s decisions in the Model into results which have the intended impact; and
- The ability to analyse the outputs (allocations) of the Model to ensure reasonableness and explainability.

The current Model was developed in 2019-20 and implemented for the allocation of the 2020-21 Grants. Annually, the Commission has controls in place, such as a formal quality assurance process undertaken by an independent person, to review and check the mathematical integrity of the Model.

In addition, there is a review of the outputs (that is, the allocations) to ensure “reasonableness” given the changes and new data incorporated into the calculations. This includes a review of all the decisions relating to the factors and data which result in the calculation of the FA Grant allocations annually.

If changes to methodology are deemed necessary, these are made following a consultation process with councils and the implementation of the Commission’s decisions is closely checked.

The Commission has reviewed its strategic priorities and, in turn, any operational changes which may be required to provide a “future-proofed” Model process for the Commission.

It is also incumbent on the Commission that the Model are able to:

- ensure input data integrity;
- adapt to changes in the nature of local government in Tasmania;
- changing data availability; and
- adapt to accommodate decisions by the Commission to alter the methodologies, policies and processes into the future.

This will provide all stakeholders with full confidence that the allocations determined annually are in accordance with all relevant legislation, National and Commission principles and decisions and, primarily, the achievement of allocations which are based on the principle of Horizontal Fiscal Equalisation (HFE).

## Risks

The Commission recognises that councils are the primary stakeholders and beneficiaries from the Commission's work.

The Commission is aware that its integrity, and therefore the confidence of councils and its other stakeholders in its activities and determinations, is dependent on the Commission managing the following risk areas:

- 1) Data integrity
- 2) Delays in receipt of council Consolidated Data Collection (CDC) Returns;
- 3) Model outcomes integrity;
- 4) Communication and education;
- 5) Its principles and practices;
- 6) Achievement of its longer term outcomes;
- 7) Management of expectations and the constraints on its activities;
- 8) Management of its projects; and
- 9) Integration of work plans and resourcing.

The Commission has therefore considered its priorities in terms of activities and resource utilisation over the coming years.

The Commission's priorities are comprised of two major components:

1. Ongoing confidence and integrity in its methodologies and the Model; and
2. Ensuring that its methodologies are reviewed and changed as considered necessary to reflect both the meeting of the National and Commission principles, and the changing nature, structures and activities of local government in Tasmania.

The following is a diagrammatic format of the Strategic Plan for the Commission for the next decade.

**SGC Strategic Plan 2020 - 2029****Mission**

*The SGC is highly respected by local government and other stakeholders*

**Strategic Areas**

*A. Strong relationships with stakeholders*

*B. Improved understanding of the Commission's responsibilities*

*C. Effective governance and administration*

*D. Improved and ongoing relationship with Treasury*

**Desired Outcomes**

*Improved and broader communication, particularly with councils*

*Maintaining input and output data integrity*

*Legislative requirements are all achieved*

*Regular updates to Treasury on Commission activities*

*Increasing cooperation with LGD and LGAT*

*Reasoned longer term work plans*

*Regular reviews of Commission operations*

*Annual resourcing submissions to Treasury*

*Reasoned and informed decision making*

*Improved understanding by councils of reasons for changes to allocations*

*Grant recommendations consistent with National Principles*

*Ongoing FA Grant Model and administrative support from Treasury*

**Performance Targets**

1. Increased opportunities for communications with councils
2. Positive support from LGD and LGAT
3. Ongoing review of activities in other jurisdictions

1. Increased learning opportunities for council staff
2. Understandable annual council-based explanation of allocation changes
3. Work plans which have reasoned and achievable priorities and projects
4. Regular reviews of Commission processes and model

1. Regular reviews against National and Commission principles
2. Regular reviews of Commission processes at planning day and other times
3. All discussions and decision making by the Commission are comprehensible by councils

1. Regular meetings or written updates to Departmental Officers (as required)
2. Annual planning days which review work plans and related resource requirements
3. Optimal level of understanding and support of the Model by Treasury

# Commission's Business/Work Plan 2020-2029 - the methodology framework

The Commission's Strategic Plan has prompted the Commission to consider its future projects in two parts:

1. Methodology related – with the objectives of:
  - Accuracy;
  - Reliability;
  - Future proofing; and
  - Governance.
2. Specific issues – the Commission will ensure that the preparation for and undertaking of a work project will entail a process to provide confidence in the Commission's determinations:
  - a. "Map" the projects; determine the objectives – Research;
  - b. Early stakeholder consultations – "Conversation Starters";
  - c. Design of project and resourcing – "Discussion Papers";
  - d. Implementation – decision and implementation in the Model; and
  - e. Closure – review the project and consider any learnings for future projects.

In diagrammatic form, the Commission's grant determination process is comprised as follows:

### 1. Data Input

AIMS:	→	WHICH REQUIRE:
Accuracy		Education and instructions
Recognition of impact of inaccurate data (including expenditure and revenue categorisation)		Explanations
Consistency of data inputs		Checks and balances

### 2. The FA Grant Model

IT Calculation Elements and Processes		
Data	SGC Decisions/Policies	Outcomes (\$)
Checks and balances Identify questionable data Identify significant variations	National principles Commission Principles PLUS: “Model” decisions: E.g. cost adjusters, allowances, expenditure categories, range factors, etc.	Checks and balances Realistic Reliable

### 3. Annual Allocations

AIMS:	→	WHICH REQUIRE:
Confidence		Ability for the Commission to ‘highlight’ possible inconsistencies
Explainability to stakeholders		Ability to analyse changing allocations

# Priority Work Plan

The decisions of the Commission to undertake activities related to its purposes depends on a balancing of priorities and resource availability. The priorities are reviewed at least annually and the Commission has determined that there are some high priority and significant “quality” issues which need to be ensured, as well as reviewing work practises to ensure all outputs, including reports and other documents, are efficiently developed, effective and of use to stakeholders .

It has developed a list of principles and policy based projects which have been raised by councils or considered to be of importance in achieving its performance targets. The priority of many of these projects is yet to be finalised and the feedback of councils will continue to be sought to assist in the Commission’s consideration of these matters. However, it is accepted by the Commission that the following priorities will span a number of years.

## (1) Methodology Projects - Ongoing:

### (a) Enhancements to Methodology:

- (i) Quality assurance – data input (instructions, education) in liaison with the Local Government Division of the Department of Premier and Cabinet (LGD), Local Government Association of Tasmania (LGAT) and councils; and
- (ii) Timeliness – input data availability to enable checking and reviewing (particularly in 2020-21) in liaison with LGD and councils.

### - (b) Enhancements to Public Documentation:

- (i) Data output (analytical tools) – further improvements to explainability of data and allocation variations;
- (ii) Council-specific reporting – providing comparative analysis and explanatory information; and
- (iii) Review of reports and other documentation publicly available – review of Annual Report and potential changes to online data availability.

## (2) Specific Policy Projects:

- a) Impact on services of non-resident population – preparation of recommendations relating to the recognition of Regional Responsibility, Tourism, Absentee Population and Worker Influx cost adjusters, and potentially itinerant and seasonal workers - scheduled for 2020-21;

- b) Review of relative impact of all cost adjustors;
- c) Isolation and Scale (Administration & Other) Cost adjustors – cumulative impact;
- d) Revenue capacity assessment, including possible adjustors;
- e) Non-resident impacts on Council road network asset preservation costs;
- f) Treatment of pedestrian bridges in the Road Grant Model;
- g) Impact of disasters and disaster recovery;
- h) Expenditure category review;
- i) Grant stability – averaging, caps and floors; and
- j) Data updates – as available.



## Projects for 2020-21

The Commission expects that the following projects will be pursued this year, their development and completion being dependant on quantification of the resources and timing required to undertake each project:

1(a) and (b); and

2(a) and (b).

The commencement of other projects will depend on resourcing and timing. In particular, the potential impacts of the COVID-19 pandemic will be reviewed by the Commission, both in terms of council services and data consistency, to determine if any methodology modifications should be made for these matters.

The 2020-21 Projects are predicated on the timely receipt of CDC returns from councils. The Commission notes that LGD has already flagged with all CDC users and stakeholders there will be a potential delay in the receipt of the 2019-20 CDC Returns. The implications of this delay and the resourcing of the above projects may have an impact on the Commission's desired activities.

It is hoped that the usual Hearings and Visits program will be undertaken in early 2021. However, the status of the COVID-19 pandemic may have implications on those activities.

The Commission is currently assessing the implications of the above issues and how it can achieve its 2020-21 Work Plan and still deliver appropriate grant recommendations to the Australian Government within the Australian Government's specified timeframes.

# Feedback

The Commission welcomes any feedback and suggestions in relation to its Strategic and Operational Planning Framework.

The Commission will be working with councils, the Local Government Association of Tasmania, the LGD and its other data providers and stakeholders to achieve its targets over the coming years.

Any feedback or input is appreciated and can be forwarded to the Commission's Executive Officer at the following email address:

[SGC@treasury.tas.gov.au](mailto:SGC@treasury.tas.gov.au)

Further details regarding the annual assessments and methodology used by the Commission are at its website:

<https://www.treasury.tas.gov.au/state-grants-commission>



Tasmanian  
Government

## State Grants Commission

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# State Grants Commission

## 2019-20 Annual Report

Including 2020-21 Financial Assistance Grant  
Recommendations

September 2020

Please address any enquiries to:

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This report is available on the Commission's internet site at:  
<http://www.treasury.tas.gov.au/state-grants-commission/publications>  
ISSN 1327-4406

Hon Peter Gutwein MP  
TREASURER

Dear Treasurer

In accordance with Section 9(3) of the *State Grants Commission Act 1976*, I have pleasure in presenting the State Grants Commission's 2019-20 Annual Report and 2020-21 recommendations of financial assistance for local government authorities in Tasmania. This is the Forty Fourth Annual Report of the Commission, and relates to the Commission's activities during 2019-20 and its determination of the distribution of grant funding for payment to local government in the 2020-21 financial year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D C Hudson', with a stylized, cursive script.

D C Hudson  
CHAIR

September 2020

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Map produced by TASMAP ([www.tasmap.tas.gov.au](http://www.tasmap.tas.gov.au)), © State of Tasmania

## EXECUTIVE SUMMARY

The State Grants Commission (the Commission) Annual Report for 2019-20 describes the Commission's activities during the financial year and provides the Commission's recommendations for the distribution of Australian Government Financial Assistance Grant (FA Grant) funding for Tasmania for 2020-21.

For 2020-21, the Australian Government has estimated Tasmania's entitlement of FA Grant funding to be \$78 988 507, which represents a 0.815 per cent increase on the final grant pool for 2019-20 of \$78 349 646.

The funding provided by the Australian Government consists of two elements, being the Base Grant and the Road Grant. The estimated Base Grant funding for 2020-21 is \$37 293 018, which is \$171 200, or 0.46 per cent, more than the finalised 2019-20 Base Grant funding of \$37 121 818. The estimated Road Grant funding for 2020-21 is \$41 695 489, which is \$467 661, or 1.13 per cent, more than the finalised 2019-20 Road Grant funding of \$41 227 828. Explanations of the drivers behind the change in these entitlements are provided in Section 3.1.

In 2019-20, Tasmanian councils were paid a total of \$79 194 464 in FA Grant funding from the Australian Government.

The Australian Government again made a "bring forward" payment of approximately 50 per cent of the forthcoming year's estimated FA Grant entitlements to the states and territories in the 2019-20 financial year. An amount of \$40 696 221 was received by the Department of Treasury and Finance (Treasury) on 25 May 2020 and paid to councils on 26 May 2020. The distribution of these funds among Tasmanian councils was determined by the Australian Government based on each council's relative share of the total 2019-20 FA Grant estimated entitlements. The impact of this prepayment is incorporated into the Commission's recommendations described in section 3 of this Report.

The balance of the 2020-21 entitlement will be paid to councils over 2020-21, after adjusting for the -\$47 492 adjustment to the 2019-20 entitlements and the brought forward payment made by the Australian Government in May 2020. This amount will be paid to councils over four quarterly instalments.

In accordance with the requirements of the *Local Government (Financial Assistance) Act 1995* (Australian Government 1995 Act), the Commission conducted hearings and visits and received submissions from councils. Details of these meetings and matters discussed are provided in Section 2.1. These were all completed prior to the COVID-19 pandemic restrictions issued by the Prime Minister in March 2020.

During 2019-20, the Commission continued discussions with councils concerning the provision of services and facilities to non-residents, with this year's discussions having a broader perspective than just the Regional Responsibility Cost Adjustor. The Commission also sought feedback from councils on its Strategic and Operational Framework and the proposal to replace the Triennium Review practice of implementing methodology changes in its models at the end of each three year period with the practice of implementing methodology changes as soon as practicable. The

Commission also sought feedback from councils on its preliminary decision regarding the form and application of the replacement socio-economic cost adjustor based on the Australian Bureau of Statistics (ABS) Socio-Economic Indicator For Areas (SEIFA) Index of Relative Socio-Economic Disadvantage (IRSD). Further details on these discussions are provided in Section 2.1.

During the year, the Commission also considered a proposal submitted by Flinders Council, as part of the 2019 Hearings and Visits, for an Island Disadvantage factor in the Commission's Base Grant Model (BGM). After careful consideration, which included consideration of the Commonwealth Grants Commission's 2019 Norfolk Island Inquiry, the Commission decided against introducing any further recognition in respect of the island councils in its methodologies than currently exist.

As quality data is important to the Commission's models, in August 2019, the Commission prepared and issued guideline information to assist councils complete the State Grants Commission sections of the Consolidated Data Collection (CDC) Return, which is coordinated by the Local Government Division (LGD) of the Department of Premier and Cabinet (DPAC).

In addition to methodology research projects, during the year the Commission has also implemented some internal and administrative improvements. The Commission has commenced development of an internal Analytical Tool to assist the Commission better identify and understand the impact of changes in data and methodologies and a project to redesign its reporting and advice to councils. The Commission has also modified some of its internal governance and strategic planning processes. During the year, Treasury has also provided additional support to the Commission with a redesign of its FA Grant Model, which makes it simpler to operate, more robust and transparent, and the preparation of associated outputs easier.

The past year has provided challenges across the world as all communities respond to the COVID-19 pandemic. Fortunately the Commission has been able to maintain its operations and processes throughout and, having already moved to electronic platforms and videoconference meetings, its deliberations and making of the 2020-21 FA Grant Recommendations were not affected.

The Commission has also made its 2020-21 recommendations for the distribution of the Heavy Vehicle Motor Tax Revenue (HVMTR) funding pool, which were based on the 2016-17 Traffic Freight Survey (TFS) results. Details of these recommendations are shown in Section 4.

Many individuals and organisations have assisted the Commission during 2019-20. The Commission wishes to express its appreciation to all those who contributed to its work including all council officers and elected officials for their cooperation and assistance. The Commission is also very appreciative of the support given by the Secretary of Treasury, Mr Tony Ferrall, and other Treasury officers, in particular those involved in the FA Grant Model Redesign Project and the Commission's Executive Officer, for their contributions during the year.

The support and assistance provided by the Local Government Association of Tasmania (LGAT), Department of Primary Industries, Parks, Water and the Environment (DPIPWE), including Lands Tasmania and the Office of the Valuer-General, KPMG and the LGD are also appreciated.

The Commission also publishes data tables which do not form part of the Commission's Annual Report but provide further information for those wishing to understand the grant recommendations for 2020-21 in greater detail. The 2020-21 Data Tables and the Commission's Distribution Methodology paper are available from the State Grants Commission website: <https://www.treasury.tas.gov.au/state-grants-commission>.



D C Hudson  
CHAIR



G J Preece  
MEMBER



R A Fraser  
MEMBER

September 2020

# I – THE COMMISSION - OVERVIEW

## Financial Assistance Grants – Background

FA Grant funding is provided by the Australian Government, through the State Government, for the specific purpose of funding local government in accordance with the Australian Government 1995 Act. The Australian Government financial assistance is provided in two parts: a Base Grant component and a Road Grant component. The Australian Government determines each state and territory's share of the Base Grant pool based on population share. The Road Grant pool share is based on proportions historically agreed to by all jurisdictions. While there are two source pools, both pools of FA Grant funding are provided to councils as untied, general revenue.

Section 5 of the Australian Government 1995 Act requires each state and the Northern Territory to establish a local government grants commission, the membership of which must include two persons associated with local government, and for the grants to be distributed within jurisdictions in accordance with seven National Principles reproduced as Appendix I of this Report.

## Role and Legislation

The Commission was established under the *State Grants Commission Act 1976* (the Act) and is responsible for making recommendations to the Treasurer concerning the distribution of the Australian Government FA Grant funding to local government. There were no changes to the legislation during the reporting period.

The Treasurer has administrative responsibility for the Act. While the endorsement of the FA Grant recommendations each year and their submission to the Australian Government Minister for approval is the responsibility of the Treasurer, the Treasurer also advises the Tasmanian Minister for Local Government of the recommendations approved each year.

The Commission consists of three members, two of whom are LGAT nominated members (who cannot be current elected members or employees of councils) and the third member (Chair) who is nominated by the Secretary of Treasury and approved by the Treasurer. All members are appointed by the Governor of Tasmania.

The current members of the Commission, and the expiry dates for current appointment terms, are detailed in Table I.

**Table I: Membership of the Commission**

Name	Position	Current Appointment Expiry*
Mr D C Hudson	Nominee of the Secretary of the Department of Treasury and Finance (Chair)	4 Jan 2022
Mr R A Fraser	Representative of local government	11 Aug 2020
Mr G J Preece	Representative of local government	31 Dec 2020

\* In accordance with Section 21 of the Acts Interpretation Act 1931, a person appointed to an office for a fixed term may continue in that position for a period of up to six months or until such time as an appointment to the position has been made.

The current Commission members and their respective backgrounds are as follows:

**David Hudson**

Chair

Mr Hudson is the current Chair of the State Grants Commission and has been a member of the Commission for 7.5 years in total and chair for five years. Mr Hudson is also a current member of the Tasmanian Liquor and Gaming Commission. He is a former Deputy Chair of the Tasmanian Integrity Commission and Hockey Tasmania, and has extensive experience as a member or Chair of committees, boards, and authorities, including Tasmanian Building and Construction Industry Training Board, Tasmanian Traineeship and Apprenticeship Committee, Tasmanian Qualifications Authority and a number of state and local government risk and audit committees.

Mr Hudson has held a number of senior executive appointments in the Tasmanian State Service, overseeing both service delivery and corporate services, and brings expertise in governance, management, ethics, strategy and stakeholder engagement.

**Greg Preece**

Local Government representative member

Mr Preece is a current member of the State Grants Commission, Chair of the Local Government Board and Chair of the Launceston Flood Authority. Mr Preece has been a member of the Commission for 2.5 years. He is currently a member of the Steering Committee overseeing the review of the Tasmanian *Local Government Act 1993*. Mr Preece has also provided consultancy services to a regional waste management authority, assisting with the establishment of a new governance model, has at the request of the Premier assisted some councils prepare Statements of Expectations between elected members and council management, and also provides risk and asset management advice.

Mr Preece is a civil engineer and has over 30 years working in local government in Tasmania, with the last 17 years as the general manager at Dorset and Meander Valley Councils. Prior to these roles he was the Divisional Manager of the outside workforce at the City of Launceston Council.

Mr Preece is a life member of the Tasmanian Association of Municipal Supervisors and the past chair of many local government committees and associations.

**Rod Fraser**

Local Government representative member

Mr Fraser is a current member of the State Grants Commission, and has been a member for six years. Mr Fraser has Bachelor of Business degrees in Accounting and Data Processing, is a Member of the Institute of Chartered Accountants and is a Fellow of the Australian Society of CPAs.

Mr Fraser is the former Manager Finance for the City of Launceston Council, former Chief Accountant for Airlines of Tasmania and has lectured in Management Accounting at the University of Tasmania. During his 15 years at the City of Launceston Council, Mr Fraser also held various

acting positions in charge of Infrastructure Services, Total Workforce and Resident and Leisure Services.

Mr Fraser has also served as Treasurer for the Uniting Church Presbytery of Tasmania, President of Rostrum Tasmania, and Vice President and Treasurer of Rostrum Australia. Mr Fraser is also a former Tasmanian and National Debating Champion, Vice President of the Tasmanian Debating Association, former Tasmanian President of Jaycees and former Board Chairman of Scotch Oakburn College and Aldersgate Home for the Aged.

## Commission governance processes and performance

The Commission conducts regular meetings and operates an annual hearings and visits program. Attendance of Commission members at these events is reflected in Table 2.

**Table 2: Participation in Commission activities conducted during period 1 July 2019 – 30 June 2020**

Type of activity	Total number conducted	Number of Meetings Attended		
		D Hudson	R Fraser	G Preece
Commission meetings	11	11	11	10
Hearings	13	13	13	13
Visits	10	10	10	10

The Commission seeks to operate using best practice governance strategies. The Commission maintains a Conflict of Interest Register which is reviewed and updated at the commencement of every Commission meeting. During the year, the Commission also formally documented its Gifts and Benefits policy. The Commission maintains a Member Handbook which includes, amongst other matters, the Member Induction process, Commission performance assessment and reporting, Work Health and Safety principles, travel expense and reimbursement policy and procedures, Commission budget, resourcing and work plan, and the Memorandum of Understanding between the Commission and LGD.

The Commission conducts an annual member performance evaluation, both individually and as a group. It also periodically undertakes an external stakeholder assessment of its performance by way of a survey of councils.

The Commission actively promotes increased stakeholder interest in its activities, methodology and assessment calculations, and endeavours to ensure an environment of accountability and transparency. As part of the 2019 Hearings and Visits process, the Commission sought to directly engage with councils on ways to improve its level of engagement with councils. Accordingly it issued *Conversation Starter CS19-01 - Engagement with Councils* and specifically sought input and ideas from councils on ways that the Commission could better engage with councils. The discussions covered all aspects of communications ranging from the provision of information and educational material for elected members and council staff using a variety of face-to-face and electronic means through to the timing of the Commission's annual processes. Similar discussions were also held with LGAT. The Commission is transitioning its processes and annual calendar to respond to and deliver on the feedback received.

The Commission reports periodically to the Treasurer and the Secretary of Treasury on matters when circumstances warrant. This may include relaying issues that councils have raised with the Commission at the annual hearings and visits but which do not relate to Commission methodology or communication matters. Periodic discussions between the Commission Chair and the Secretary of Treasury also occur regarding the Commission's work plan and resourcing requirements.

### Funding arrangements

All FA Grant funds allocated to Tasmania pursuant to the Australian Government 1995 Act are fully distributed among Tasmanian local councils in accordance with Sections 11 and 14 of the Act. The operating costs of the Commission are fully met by the Tasmanian State Government, through Treasury. The operating budget for the Commission for 2019-20, excluding salaries and on-costs but including member expense claims, was \$21 720. The Commission's remuneration for 2019-20 is detailed in Table 3.

**Table 3: State Grants Commission Remuneration – 2019-20**

	Salary & Allowances	Superannuation	Total
2019-20	\$'000	\$'000	\$'000
D Hudson (Chair)	39.4	3.7	43.1
R Fraser	23.2	2.2	25.4
G Preece	23.6	2.2	25.8
<b>Total</b>	<b>86.2</b>	<b>8.1</b>	<b>94.3</b>

Executive support resources equivalent to 1.0 FTE are provided to the Commission by Treasury.

### Commission methodology

The Commission uses financial models designed to accord with the National Principles issued under the Australian Government 1995 Act to assist it in determining the distribution of funding provided by the Australian Government.

The Commission's methodology is explained in more detail and available for download on the Commission's website <http://www.treasury.tas.gov.au/state-grants-commission/publications>.

The Commission's models are primarily data driven, which means that changes in data can influence calculated grant shares. Incorrect data can result in inappropriate allocation of funding if not identified and rectified. It is for this reason that the Commission takes the accuracy and consistency of data seriously and actively seeks to increase the integrity of the data used within the assessments. The Commission continues to remind councils of their obligations in relation to providing quality data, largely through the CDC return.

The Commission appreciates each council's efforts in ensuring its CDC data return is accurate and the responsiveness of councils when the Commission raises any queries regarding the data. During the year, the Commission prepared and issued to councils a new publication, *Guideline*



*information to assist councils completing the State Grants Commission sections of the Consolidated Data Collection (CDC) Return 2018-19* to assist council officers and staff in the completion of the Commission specific sections of the CDC. The Commission is pleased to report it is noticing an improvement in the data being provided by most councils in the 2019-20 CDC returns, being the most recent financial year informing the 2020-21 Recommendations. A 2019-20 Edition of the Guidelines has recently been issued to councils via LGD.

The Commission strives to identify, investigate and, where appropriate, correct data issues when they occur. Prior to the COVID-19 pandemic, the Commission had planned to work with LGAT, LGD and councils to workshop ways to further improve and create consistency in data across councils. The Commission thanks those councils that expressed an interest in assisting or participating in these workshops. At the time of this Annual Report, planning for these workshops is currently on hold.

### **National Conference of Local Government Grants Commissions**

The Queensland Local Government Grants Commission hosted the 2019 National Conference in Brisbane in November 2019. The Conference, being of significant benefit to all Commissions in sharing of knowledge and methodologies, is held every two years. The Federal Minister, the Honourable Mark Coulton MP, Minister for Regional Services, Decentralisation and Local Government and the Queensland Minister, the Honourable Stirling Hinchliffe MP, Minister for Local Government, Racing & Multicultural Affairs jointly opened the 2019 Forum and attended the initial sessions of the Conference. Both Ministers and attending inter-jurisdictional Commission members appreciated the opportunity to meet, speak to and hear from each other at the Conference. Discussions included key issues and challenges, remote and island communities, improvements to local road data, and an update from the Commonwealth Grants Commission (CGC) on its activities, including in relation to its Norfolk Island Inquiry.

The Commission led discussions on the appropriate treatment of island councils to determine whether other jurisdictions also had situations where a small population, remoteness, paucity of local professional services and the cost of “importing” both materials and skills were, in aggregate, a significant cost and service delivery disadvantage. It was found that Flinders and King Island Councils were unique in these respects within Australia. The recent investigations undertaken by the CGC in relation to Norfolk Island have been particularly useful for the Commission in its assessment of Flinders Council’s submission proposing an island isolation cost adjutor be incorporated in the BGM.

The Commission thanks the Queensland Local Government Grants Commission and its support staff from the Department of Local Government, Racing and Multicultural Affairs for hosting the 2019 Conference. Tasmania is currently scheduled to host the Conference in 2023.

Commission Executive Officers meet annually. In years when conferences are held, these meetings are conducted in conjunction with the conference. In light of the COVID-19 pandemic, the 2020 Executive Officers workshop, expected to be held in October-November 2020, will be conducted virtually.

## 2019-20 in Review

The 2019-20 year has seen the Commission progress various aspects of its work plan as follows:

### *Methodology Reviews*

- In October 2019, the Commission issued its *Decision Paper CD20-01 - Socio-Economic Factors in the Base Grant Model – Replacement of the Unemployment Cost Adjustor with a SEIFA based Cost Adjustor*. Based on discussions held with councils over the past two years, CD20-01 provided the Commission's preliminary decision as to how it intended to implement its new SEIFA IRSD Cost Adjustor. Following generally positive feedback from councils, the Commission has decided that it would adopt the cost adjustor based on a municipal-wide SEIFA IRSD score.
- In December 2019, the Commission issued a Discussion Paper *DP20-01 Regional Responsibility and Non-Resident Impacts – the Bigger Picture*. In line with proposals put forward by many councils, the Paper examined all the Cost Adjustors which reflect the movement of people across council borders, being Worker Influx, Tourism, Absentee Population and Regional Responsibility. The Paper discussed a number of options, and flagged the potential use of a cost adjustor based on Service Industry Employment data as a reflection of the impact on council services provided to their own plus visiting populations.

The Commission will continue its review into the impact that non-residents have on councils more broadly during 2020-21, but as yet has not made any decisions on this issue.

- As part of the 2019 Hearings and Visits, the Commission received a submission from Flinders Council requesting the Commission consider an Island Disadvantage factor in the Commission's BGM. Flinders Council's submission argued that the depth and breadth of the disadvantages the Island councils faced were both significant and inadequately addressed under the Commission's current methodology.

The Commission considered the proposal, which included analysis of both per-capita expenditure for non-island located councils and the Island councils, and a comparison to the outcomes from the recent report on the investigations undertaken by the CGC in its 2019 Norfolk Island Inquiry. As a result of this analysis, the Commission determined that it was already broadly capturing the costs of island disadvantage in its current assessment processes. After careful consideration, the Commission decided against introducing any further recognition in respect of the Island councils in its methodologies than currently exists.

The Commission continues to monitor developments in local council policies and services, with a view to ensuring that the Commission's modelling reflects standard council policies. The Commission is currently monitoring council responses to the COVID-19 pandemic and will give further consideration to this issue in due course.

Details of the 2020 hearings and visits that the Commission undertook during the year, and the decisions taken following councils' submissions, are provided in Section 2.1.

## Operational Reviews

During the year, the Commission has implemented several internal and administrative improvements:

- During 2019-20, the Commission continued its conversations with councils about its roles and responsibilities, and its future planning to achieve its desired outcomes. In December 2019 the Commission issued *Information Paper IP20-01 - State Grants Commission Strategic and Operational Planning Framework* which described how the Commission will approach the achievement of its broad goals of strong stakeholder relationships, methodology integrity and high standards of governance for its internal operational processes. The paper included a preliminary forward work plan and ways in which the communications and cooperation of stakeholders could assist in higher levels of data consistency and methodological soundness. This paper also proposed the cessation of the Triennium approach for adopting methodology changes. Further information on the feedback received and results of these discussions are provided in Section 2.1.
- The Commission is developing an internal Analytical Tool to better identify data issues and to assist it in identifying, understanding and explaining the key drivers of, and impact of changes in, council grant allocations. The results of this project are aimed at underpinning improvements in communications between the Commission and councils.
- The Commission commenced a project to redesign and improve its reporting of grant allocations and advice to councils. The results of this project are aimed at creating better communications between the Commission and councils.
- During 2019-20, Treasury assisted the Commission through the provision of additional resources to undertake a redesign of the Commission's FA Grant Model. The Commission's FA Grant Model is always subject to an annual quality assurance process. The redesign of the FA Grant Model did not alter the manner in which the Commission's Model operates. Its purpose was to build a replacement model that had an appropriate level of logic and complexity, and was simpler to operate (rollover, update, validate and identify data errors) and prepare associated outputs. The redesigned FA Grant Model has improved the robustness and transparency of the model and has also increased its adaptability to incorporate potential methodological changes.

The redesigned FA Grant Model underwent extensive and rigorous testing and independent review to ensure that the integrity of the Commission's model and methodologies were maintained and correct. As a consequence of the high standard of work, and the Commission's parallel development of its Analytical Tool, the Commission is confident that the first time use of the redesigned FA Grant Model has not, in and of itself, impacted the Commission's recommendations of the distribution of 2020-21 FA Grant distributions.

- The Commission regularly reviews its Work Plan tasks and priorities taking into account feedback from councils, current circumstances and resourcing. The Commission periodically publishes revisions and updates to its Work Plan. Reporting on the status and progress against the Work Plan is currently done via the Commission's Annual Report. The Commission's

current Work Plan is available from the Commission's website. This year's restrictions in response to the COVID-19 pandemic have required the Commission to delay its collaborative conduct of workshops on data consistency and improvement with LGAT for a review of its Reporting to Councils.

- The Commission notes that its FA Grant Model will only be as good as the data informing it. As a consequence, the Commission continues its efforts to improve the quality of data provided by councils through the annual CDC returns. As such, the Commission also prepared and issued *Guideline information to assist councils completing the State Grants Commission sections of the Consolidated Data Collection (CDC) Return 2018-19 CDC* to assist council officers and staff complete the Commission specific sections of the annual CDC returns. The Commission is already seeing an improvement in data returns provided by most councils and appreciates council efforts in this regard. Improved data assists with the population of the Commission's FA Grant Model, and reduces the need for queries to councils.

The following sections of this Report provide a more detailed review of the Commission's activities in 2019-20 and, in particular, the allocation of FA Grant funds to councils in 2020-21.

## 2 – COMMISSION DELIBERATIONS AND DECISIONS

### 2.1 – HEARINGS, VISITS AND COUNCIL SUBMISSIONS

#### 2020 Hearings & Visits

Under Section 11 of the Australian Government 1995 Act, a State is not entitled to receive its grant unless that State's local government grants commission has held public hearings in connection with the recommendations, and permitted or required local governing bodies in the state, or associations of those bodies, to make submissions to it in connection with the recommendations.

In accordance with these requirements, the Commission annually conducts a series of regional hearings with councils which are open to the public and the media. All councils are invited to participate in the consultation process and attend regional hearings. In addition, the Commission aims to visit approximately one third of councils each year.

The Commission values face-to-face interaction with councils. Hearings and visits provide insights into relevant issues not discernible from the review of quantitative data alone and provide an opportunity to discuss issues raised by the Commission and councils in the discussion papers and council submissions.

The Commission was in the very fortunate position of having completed all its 2020 Hearings and Visits prior to the 17 March 2020 Australian Government directives in response to the COVID-19 pandemic.

Participation by councils in the 2020 Hearings and Visits processes are detailed in Tables 4-6.

**Table 4: Participation by councils in Commission's 2020 processes**

Total No. of councils	No. of written submissions received	No. of councils attending Hearings	No. of Councils visited
29	11	13	10

**Table 5: Participation by councils in Commission's 2020 regional hearings**

Region	Location	Date	Councils attending
South	Hobart	28 Jan 2020, 12 Mar 2020	Sorell Council, Huon Valley Council, Glenorchy City Council, Central Highlands Council
North West	Burnie	4,5 Feb 2020	Kentish Council, Waratah-Wynyard Council, Burnie City Council, Circular Head Council, West Coast Council
North	Launceston	24 Feb 2020	George Town Council, Northern Midlands Council, Flinders Council, Launceston City Council

**Table 6: Participation by councils in Commission's 2020 visits**

Date	Councils visited
29-30 Jan 2020	Tasman Council, Hobart City Council, Glamorgan Spring Bay Council
3-4,6 Feb 2020	Latrobe Council, King Island Council, Devonport City Council, Meander Valley Council
25 Feb 2020	Dorset Council, Break O'Day Council
11 Mar 2020	Clarence City Council

The Commission is pleased with the consistent level of engagement and interest shown by most councils in the Commission's processes and methodologies. The Commission strives to be transparent and is continuously reviewing and improving the documentation available to councils on its website.

### **Major issues discussed during 2020 Hearings & Visits**

To support the Commission's consideration of methodology matters, the Commission has a practice of publishing documents related to aspects of its methodology it is reviewing or seeking to discuss with councils at the annual hearings and visits. During 2019-20, the Commission issued three papers as the primary agenda items to be discussed at the 2020 Hearings and Visits and on which Councils were invited to provide written submissions.

A summary of the discussion and feedback received on each topic is provided below. Further details of these discussions are provided in Appendix 3.

- *Commission Decision CD20-01 Socio-Economic Factors in the Base Grant Model - Replacement of the Unemployment Cost Adjustor with a SEIFA based Cost Adjustor*

In October 2019, the Commission issued its Decision Paper *CD20-01* which, based on previous years' discussions, provided the Commission's preliminary decision as to how it intended to implement its new SEIFA IRSD Cost Adjustor. The Commission's Decision Paper detailed the basis, design, expenditure categories and the redistributive effect which the Commission intended to apply the new cost adjustor. The design of the cost adjustor has been modelled on the Victorian SEIFA Cost adjustor.

All councils indicated agreement with the Commission's move to a SEIFA informed cost adjustor rather than the Unemployment Cost Adjustor. It has also determined that that it would implement the SEIFA IRSD Cost Adjustor as the replacement for the Unemployment Cost Adjustor in the 2020-21 BGM using a similar redistributive effect (total expenditure redistributed) as the Unemployment Cost Adjustor, and based on the Planning and Community Amenities expenditure category. The Commission also reaffirmed its determination to adopt the SEIFA IRSD index at the municipal-wide average measure.

- *Discussion Paper DP20-01 Regional Responsibility Non-Resident Impacts - The Bigger Picture*

In December 2019, the Commission issued Discussion Paper *DP20-01* as the main focus of the 2020 Hearings and Visits discussions and continued discussions in relation to the adequacy or

otherwise of the current Regional Responsibility Cost Adjustor. In line with proposals put forward by many councils, the Paper examined all the cost adjustors which reflect the movement of people across council borders, being Worker Influx, Tourism, Absentee Population and Regional Responsibility. The Paper discussed a number of options, and flagged the potential use of a cost adjustor based on Service Industry Employment (SIE) data as a surrogate indicator of the impact on council services provided to their own plus visiting populations. The proposed Regional Service Industry (RSI) Employment Cost Adjustor has been modelled on the design of the Victorian SIE Cost Adjustor and employment categories.

Most councils leant towards the general concept of the RSI Cost Adjustor proposal, although considerable work is still required.

The Commission will continue its review into the impact that non-residents have on councils more broadly during 2020-21.

- *Information Paper IP20-01 State Grants Commission Strategic and Operational Planning Framework*

During 2019-20, the Commission continued its conversations with councils about its roles and responsibilities, and its future planning to achieve its desired outcomes. In December 2019, the Commission issued Information Paper *IP20-01* which described how the Commission will approach the achievement of its broad goals of strong stakeholder relationships, methodology integrity and high standards of governance for its internal operational processes. The paper outlined a project approach to research on issues, and included a preliminary forward work plan and ways in which the communications and cooperation of stakeholders could assist in higher levels of data consistency and methodological soundness.

Councils also expressed appreciation of the changes the Commission has made regarding the earlier issuing of papers for their consideration as this permits greater discussion with elected members on Commission methodology matters.

### **Other Issues raised by councils**

In addition to discussion papers, work plans and any other topics prepared by the Commission, councils are always invited to raise other relevant issues with the Commission as part of the annual hearings and visits program. Several issues were raised by councils in 2020 that may develop into research projects for the Commission in the future.

When matters are raised that do not fall within the Commission's remit, the Commission, where appropriate, may decide to convey the matter to other relevant bodies for their information and consideration.

Issues raised by councils during the 2020 Hearings and Visits that fall within the Commission's method of assessing relative advantage or disadvantage remit included:

- Climate Change;
- Disaster Recovery processes and the cost impacts on councils;
- Changes in Tasmanian Fire Service rehabilitation practices transferring costs to councils;

- Waste Management and the Recycling/Waste levy;
- Impacts of rapid growth;
- Fly In Fly Out and Drive In Drive Out workers;
- Housing and other itinerant worker impacts; and
- Tourist impacts on council roads.

Concerns regarding inconsistency in allocating and reporting across councils and the inability of some councils to allocate administrative overheads were also raised.

Councils also discussed opportunities and ideas as to potential improvements to the annual CDC Template returns. These suggestions and ideas have been provided to KPMG, the preparers of the CDC template on behalf of LGD, for consideration in the design of future CDC template returns.

The Commission values its interactions with councils as they help the Commission better understand the current issues and operating environments of councils. This helps the Commission plan, prioritise and target its research program so councils can have confidence in the workings of, and decisions made by, the Commission.

### **Issues for Future Assessments**

In 2020-21, the Commission expects to provide to councils a more definitive set of options to determine a methodology to best address the impact of non-residents and a replacement approach for the Regional Responsibility Cost Adjustor in the BGM.

The Commission also anticipates future discussions on the following topics:

- Itinerant and seasonal workers;
- Proposed Reporting to Councils documents;
- Tourism impacts on the road network; and
- The treatment/inclusion of Pedestrian Bridges in the Road Network base.

Building on the process changes implemented in 2019-20, the Commission also anticipates undertaking some administrative process reviews in 2020-21, including commencing a review of its existing publications and public documents following on from the expected improvements from its Reporting to Councils project.

The revised Commission Work Plan will be updated and made available via the Current Focus section of the Commission website <https://www.treasury.tas.gov.au/state-grants-commission/current-focus>. The current work plan is available on the Commission's public website at <http://www.treasury.tas.gov.au/state-grants-commission/publications>.



## **2.2 – CHANGES TO THE FINANCIAL ASSISTANCE GRANT DISTRIBUTION MODELS**

In order that the Commission is able to recommend FA Grant allocations which adhere to the National Principles, in particular, Horizontal Fiscal Equalisation (HFE), it is essential that the Commission is aware of the nature and characteristics of matters that impact on councils' decision making in relation to services provided, activities undertaken and ultimately the financial decisions made by councils.

Therefore, the Commission continuously monitors council practices with the objective of making its methods for distributing both the Base Grant and Road Grant funding both contemporarily and equitably across councils. The Commission also monitors developments in local council policies, with the aim of reflecting, as much as possible, the current standard council policies in its Model.

As discussed above, the Commission's decision to implement methodological changes when determined rather than at the end of a triennium will make the determination and explanation of FA Grant allocations to councils much simpler for all stakeholders and was supported during consultations with councils.

### **Methodology changes**

#### ***Base Grant Model***

in determining the 2020-21 Base Grant Recommendations, the Commission has changed its method of measuring socio-economic factors, which was previously based on unemployment data, and has now adopted a measure using the Australian Bureau of Statistics' Socio-Economic Indexes for Areas (SEIFA) - Index of Relative Socio-economic Disadvantage (IRSD) as a broader measure of relative disadvantage of councils. This cost adjustor has been applied to the Planning and Community Amenities expenditure category, whereas the Unemployment Cost Adjustor had previously applied to the Health, Housing and Welfare (HH&W) and Law, Order and Public Safety (LOPS) expenditure categories.

Councils were reporting to the Commission that unemployment was only measuring one aspect of socio-economic disadvantage, and the disadvantages councils manage become more complicated as the demographic challenges in a community compound. The Commission consulted with councils regarding this proposed change over a period of 15 months, with the vast majority of councils supportive of this change and the Commission's proposed approach to its implementation.

#### ***Road Preservation Model***

There have not been any methodology changes made to the Road Preservation Model (RPM) in determining the 2020-21 Road Grant Recommendations.

## **Key Data Changes**

The Commission uses a range of data sources in its processes for determining how to allocate the FA Grants each year, one of which is the CDC Return from each council. In making the 2020-21 FA Grant Recommendations, the Commission has based its deliberations on the 2018-19 CDC data in respect of 27 councils, and the 2017-18 CDC data for Kentish and Latrobe councils. This was necessary as the Kentish and Latrobe Councils were not able to submit their 2018-19 CDC returns due to problems with the implementation of a new shared finance and operating system in 2018-19.

This situation has not arisen before. As a result, the Commission undertook additional analysis work to consider the implications of the CDC data for these councils not having been updated. The Commission does not believe that the portion of information that has not been updated as a result of not receiving the 2018-19 CDC returns for these two councils has had a material impact on the 2020-21 FA Grant allocations for any council.

However, the Commission strongly encourages councils to submit their annual CDC returns to the LGD within the required timeframe.

In making the 2020-21 FA Grant recommendations the Commission, in addition to its standard annual data updates, has adopted the following periodic and non-standard data source updates:

### ***Base Grant Model***

The Commission has undertaken a periodic update of the regression formula underpinning the Commission's two Scale Cost Adjustors. The regression formula is now based on general administration expenditure per capita for the seven financial years 2011-12 to 2017-18 and with no outlier councils (rather than the seven financial years 2005-06 to 2011-12, with Brighton Council as an outlier council, due to its then significantly lower expenditure per capita rate). This regression informs the Commission's Scale (Administration) and Scale (Other) Cost Adjustors. This update has not had any significant impact on the 2020-21 Base Grant allocations.

### ***Road Preservation Model***

In 2020, the Commission requested Lands Tasmania update the Geographic Information System (GIS) dataset which informs the Rainfall and Terrain Cost Adjustors in the RPM. Prior to the 2020 update, this data was last updated in 2011.

While the 2020 rainfall data update has had little impact on the allocations, the update of GIS longitudinal data has resulted in the gradient of approximately 75 per cent of Derwent Valley Council's roads, which were previously assessed as being flat roads, now having a gradient in the range of between 0.5 to 9.0 degrees. Flat roads are assessed as having more disadvantages, such as problems with drainage, localised flooding and pavement break-up than roads with a gradient of between 0.5 to 9.0 degrees.

Lands Tasmania advised that the changes in the 2020 longitudinal data update reflect improvements in its Transport data across the state over the last 10 years and the increased

accuracy of contour and elevation data (as a result of improvements in data tools and processing, aerial imagery quality, and the inclusion of Light Detection and Ranging (LiDAR) data) in its workflow. This has resulted in some redistribution of the Road Grant outcomes across all councils.

### **Redesign of the Financial Assistance Grant Model**

During 2019-20, Treasury assisted the Commission through the provision of additional resources to undertake a redesign of the Commission's FA Grant Model. Every year the Commission's FA Grant Model is subjected to a quality assurance process prior to the Commission making its annual FA Grant Recommendations. While these quality assurance reviews have provided the Commission with a level of comfort that its FA Grant Model does not suffer from material issues that would alter the distribution of funds to local councils and has been generally fit-for-purpose, more recent reviews had identified opportunities for improvements in the design of the Model and to minimise the risk of errors.

The Treasury redesign of the FA Grant Model project was not to alter the manner in which the Commission's Model operates. The project's purpose was to build a replacement Model that had an appropriate level of logic and complexity, was transparent, robust and simpler to operate (rollover, update, validate and identify data errors), as well as making the associated outputs easier to prepare. The redesigned Model is also adaptable enough to incorporate potential methodological changes more easily.

The redesigned FA Grant Model underwent extensive and rigorous testing and independent review to ensure that the integrity of the Commission's model and methodologies were maintained and correct. The Commission commends Treasury on the very robust process followed to provide this assurance.

The Commission adopted the redesigned FA Grant Model for the purposes of determining the 2020-21 Recommendations. As a consequence of the high standard of work, the positive quality assurance review and the Commission's parallel development of an accompanying Analytical Tool, the Commission is confident that the first time use of the redesigned FA Grant Model has not, in and of itself, impacted the Commission's 2020-21 recommendations of the distribution of FA Grants.

### 3 – FINANCIAL ASSISTANCE GRANT ALLOCATIONS AND RECOMMENDATIONS

#### 3.1 – 2019-20 FINANCIAL ASSISTANCE GRANT FUNDING - RECEIVED

The finalised Financial Assistance entitlement to local government for Tasmania for 2019-20 is shown in Table 7 below.

**Table 7: Financial Assistance for Local Government - Finalised Entitlement 2019-20**

	2019-20 Estimated Entitlement	2019-20 adjustments (to be paid in 2020-21)	Finalised 2019-20 Entitlement	Percentage Adjustment
	\$	\$	\$	%
Base Grant	37 081 045	40 773	37 121 818	0.11%
Road Grant	41 316 093	- 88 265	41 227 828	-0.21%
<b>Total Grant</b>	<b>78 397 138</b>	<b>- 47 492</b>	<b>78 349 646</b>	<b>-0.06%</b>

The Australian Government has determined the need for a negative adjustment of \$47 492 (-0.06 per cent) to Tasmania's 2019-20 estimated grant entitlement of \$78 397 138. The respective components and basis for the negative adjustment to the 2019-20 entitlements is as follows:

- an increase in the Base Grant assessment of \$40 773 (+0.11 per cent); and
- a decrease in the Road Grant assessment of \$88 265 (-0.21 per cent).

Tasmania's population grew by slightly more than was forecast when originally estimating the 2019-20 FA Grant allocations. Tasmania's population had been estimated at 531 529 as at 31 December 2018, whereas the actual population as at 31 December 2018 was 531 850. Nationally the population growth was only +1.39 per cent compared to the estimated national growth rate of +1.634 per cent. These two factors have resulted in Tasmania having a slightly better relative share in the national Base Grant pool and an overall positive increase in the Base Grant allocation for Tasmania for 2019-20 of \$40 773.

The principle driver for the negative adjustment to the 2019-20 Road Grant entitlements of \$88 265 reflects an overestimation by Commonwealth Treasury of the national rate of inflation for the year to 31 March 2020. In June 2019, the Assistant Federal Treasurer determined that the preliminary indexation factor for the national funding pools for 2019-20 would be +4.048 per cent, comprising forecast national population growth of +1.63 per cent for the year to 31 December 2018 and a forecast national rate of inflation of +2.37 per cent for the year to 31 March 2020. As Tasmania receives a fixed share of the national Road Grant funding pool, Tasmania experiences the same movement in its share of the national Road Grant funding pool as the national Road Grant funding pool experiences itself.

In June 2020, the Assistant Treasurer determined the final indexation factor for 2019-20 to be +3.828 per cent, down from the estimated factor of +4.048 per cent. The individual components of the indexation were as follows:

- actual national population growth of +1.60 per cent (compared to an estimate of +1.63 per cent) for the year to 31 December 2018; and
- an actual national rate of inflation of +2.19 per cent (compared to an estimate of +2.37 per cent) for the year to 31 March 2020.

This overestimation of the indexation rate has resulted in a downwards revision of the final allocations for 2019-20. Nationally, the 2019-20 FA Grant funding pool was reduced by \$5 418 348 (-0.214 per cent). The reduced 2019-20 entitlements also reduces the base to which the 2020-21 indexation is applied.

Furthermore, the adjustment to the 2019-20 entitlements also includes a component of indexation adjustment due to the Australian Government's decision to pay approximately half of the 2020-21 funding in 2019-20. Tasmania's finalised 2019-20 FA Grant entitlement is \$78 349 646.

The 2019-20 adjustment has been apportioned across councils utilising the methodologies used to determine the Commission's 2019-20 recommendations, which include the application of those caps and floors<sup>1</sup> as applied in that year. The amounts paid to councils in 2020-21 will include the distribution of the adjustments to the Base Grant and Road Grant entitlements attributable to 2019-20.

The funds paid to councils in 2019-20 consisted of the balance of the 2019-20 estimated entitlements and the adjustment to the 2018-19 entitlements, together with the advance payment of approximately half of the 2020-21 estimated entitlements paid to councils in May 2020. A summary of the financial assistance entitlements and amounts paid to local government in 2019-20 by the Australian Government are shown in Table 8 below. A detailed breakdown of these amounts by council is provided in the Appendices section of this Report.

**Table 8: Financial Assistance for Local Government - Cash Receipts for 2019-20**

	<b>2019-20 Estimated Entitlement</b>	<b>2019-20 Bring Forward Payment (paid in 2018-19)</b>	<b>2018-19 Adjustment included in 2019-20 Instalments</b>	<b>2019-20 Funding paid in four quarterly instalments</b>	<b>2020-21 Bring Forward Payment (paid in 2019-20)</b>	<b>Total Cash paid to councils in 2019-20 Financial Year</b>
	\$	\$	\$	\$	\$	\$
Base Grant	37 081 045	-18 629 849	- 187 509	18 263 687	+19 208 040	37 471 727
Road Grant	41 316 093	- 20 766 023	- 315 514	20 234 556	+21 488 181	41 722 737
<b>Total Grant</b>	<b>78 397 138</b>	<b>-39 395 872</b>	<b>- 503 023</b>	<b>38 498 243</b>	<b>+40 696 221</b>	<b>79 194 464</b>

<sup>1</sup> Collars (caps and floors are explained further on page 26.

### 3.2 – 2020-21 FINANCIAL ASSISTANCE GRANT FUNDING - ESTIMATED

Increases in the total national FA Grant funding pool have historically been linked to annual changes in both the Australian population and the Consumer Price Index (CPI) so that the Base Grant and Road Grant pools are maintained in “real per capita” terms<sup>2</sup>. The total of estimated FA Grant entitlement to be provided by the Australian Government in respect of 2020-21 both nationally and to Tasmania are shown in Table 9 below.

**Table 9: Financial Assistance for Local Government – 2020-21 Estimate**

	National Pool of funds	Tasmanian Proportion of National Pool	Tasmanian Grant Entitlement	Change on 2019-20 Actual Entitlement *
	\$	%	\$	%
Base Grant	1 773 180 330	2.10	37 293 018	+0.46
Road Grant	786 811 385	5.30	41 695 489	+1.13
<b>Total Grant</b>	<b>2 559 991 715</b>	<b>3.09</b>	<b>78 988 507</b>	<b>+0.82</b>

\* This column shows Tasmania's 2020-21 year estimated entitlement compared to the 2019-20 actual entitlement (accrual basis)

Each year the Australian Government estimates each jurisdiction's share of the total funding pool, and finalises each annual entitlement for the prior year once final population and CPI data are known. The national FA Grant funding pool is normally indexed annually by a combined factor of population growth and a CPI factor as follows:

$$\text{Factor} = (\text{Population of Australia/previous Population of Australia}) \times (\text{CPI/previous CPI})$$

The national 2020-21 FA Grant funding pool has been indexed by 1.13 per cent. The national funding pool has increased from \$2 531 280 325 to \$2 559 991 715.

Based on population estimates as at 31 December 2019, the Australian Government has determined that the 2020-21 national funding pool be distributed amongst jurisdictions as detailed in Table 10.

<sup>2</sup> The Australian Government applied a three year freeze in indexation to the financial years 2014-15 to 2016-17.

**Table 10: 2020-21 Financial Assistance Grants – Estimated Entitlements by Jurisdiction**

	Estimated Population as at 31 Dec 2019	Population shares for General Purpose	2020-21 Estimated General Purpose Entitlement	Local Road Agreed Percentage Shares	2020-21 Estimated Local Road Entitlement	2020-21 Total Estimated Entitlement
<b>Jurisdiction</b>		%	\$	%	\$	\$
New South Wales	8 128 984	31.89	565 441 249	29.01	228 278 935	793 720 184
Victoria	6 651 074	26.08	462 463 681	20.62	162 212 239	624 675 920
Queensland	5 129 996	20.10	356 375 804	18.74	147 419 796	503 795 600
Western Australia	2 639 080	10.31	182 774 908	15.29	120 304 757	303 079 665
South Australia	1 759 184	6.88	121 994 089	5.50	43 240 665	165 234 754
Tasmania	537 012	2.10	37 293 018	5.30	41 695 489	78 988 507
Northern Territory	244 761	0.96	17 021 972	2.34	18 430 939	35 452 911
Australian Capital Territory	427 419	1.68	29 815 609	3.21	25 228 565	55 044 174
<b>Total</b>	<b>25 517 510</b>	<b>100.00</b>	<b>1 773 180 330</b>	<b>100.00</b>	<b>786 811 385</b>	<b>2 559 991 715</b>

*Note: The Commission uses population statistics as at June each year, as these figures align with the financial data that also informs the Commission's grant models.*

Notwithstanding that Tasmania's population grew at a rate of +0.971 per cent, it is still less than the national growth rate of +1.39 per cent. This affects Tasmania's relative share of the National Base Grant funding pool. Tasmania's share of the Base Grant funding is expected to reduce from +2.11 per cent to +2.10 per cent. Tasmania is only receiving an increase in Base Grant entitlement of \$171 000 (+0.461 per cent) for 2020-21, rather than the indexation rate being applied to the national FA Grant pool (+1.134 per cent). The ABS' population estimates, which have been used by the Australian Government for determining each jurisdiction's share of the Base Grant portion of the national FA Grant funding pools, are detailed in Table 11.

**Table 11: Australian Government Population Estimates by Jurisdiction**

	Estimated Population as at 31 Dec 2018 *	Actual Population as at 31 Dec 2018 *	Estimated Population as at 31 Dec 2019 *	Change in Population - Actual v Estimate	Estimated Rate of Population Growth
New South Wales	8 046 070	8 038 047	8 128 984	90 937	1.131%
Victoria	6 526 413	6 528 913	6 651 074	122 161	1.871%
Queensland	5 052 827	5 050 660	5 129 996	79 336	1.571%
Western Australia	2 606 338	2 605 843	2 639 080	33 237	1.275%
South Australia	1 742 744	1 743 445	1 759 184	15 739	0.903%
Tasmania	531 529	531 850	537 012	5 162	0.971%
Northern Territory	245 854	245 703	244 761	- 942	-0.383%
Australian Capital Territory	423 811	423 229	427 419	4 190	0.990%
<b>Total</b>	<b>25 175 586</b>	<b>25 167 690</b>	<b>25 517 510</b>	<b>349 820</b>	<b>1.390%</b>

\* Source: Estimated populations as per advice from the ABS to Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). DITRDC uses these estimated population statistics for determining jurisdictional shares of the estimated funding pools. Actual Population statistics are used for finalising entitlements amongst jurisdictions.

Tasmania will receive 5.3 per cent of the national Road Grant pool. Tasmania's Road Grant entitlement for 2020-21 (\$41 695 489) increased by \$467 661 (+1.13 per cent) on the finalised Road Grant entitlement for 2019-20, being the rate of increase in the national funding pool and reflects Tasmania's entitlement to a fixed share of the national Road Grant pool.

The total amount of FA Grant funding to be paid to councils in 2020-21 will be \$38 244 794. This amount has been derived by subtracting both the advance payment of \$40 696 221 made in May 2020 from the 2020-21 Estimated Entitlement (\$78 988 507) and the reduction to the 2019-20 FA Grant entitlement (-\$47 492).

A summary of the financial assistance to be paid to local government in 2020-21 by the Australian Government is shown in Table 12 below. A detailed breakdown of these amounts by council is provided in the Appendices section of this report.

**Table 12: Financial Assistance for Local Government - 2020-21 Estimate – Balance due**

	Estimated 2020-21 Entitlement	Less 2020-21 bring forward payment (paid in 2019-20)	Plus 2019-20 adjustments (to be paid in 2020-21)	Amount to be paid over four instalments in 2020-21
	\$	\$	\$	\$
Base Grant	37 293 018	-19 208 040	40 773	18 125 751
Road Grant	41 695 489	- 21 488 181	- 88 265	20 119 043
<b>Total Grant</b>	<b>78 988 507</b>	<b>- 40 696 221</b>	<b>- 47 492</b>	<b>38 244 794</b>

The Australian Government normally pays the FA Grant funding to the states and territories in four instalments, being mid-August, November, February and May. Treasury makes payment of the funds to councils promptly after the receipt of each instalment.



### 3.3 – FINANCIAL ASSISTANCE GRANT ALLOCATIONS BY COUNCIL

The 2020-21 FA Grant estimated distributions by council are detailed in Table I3. The 2020-21 Data Tables publication, which contains both information used to inform the distributions and information on the Commission's latest assessments for all councils, is available from the State Grants Commission's website: <http://www.treasury.tas.gov.au/state-grants-commission>.

#### ***Base Grant Estimated Entitlements***

The Australian Government has estimated Tasmania's Base Grant Entitlement for 2020-21 at \$37 293 018, which is 0.46 per cent more than the finalised 2019-20 Entitlement.

Seventeen councils will receive a Base Grant increase and twelve councils will receive Base Grant decreases for 2020-21 with the council experiencing the largest decrease being Glamorgan Spring Bay Council.

The movements in Base Grant allocations are largely a reflection of the following factors:

- the very modest rate of indexation applied to the National FA Grant funding pools and to the Base Grant pool in particular. Nationally, the 2020-21 funding pools only increased by 1.13 per cent compared to the 2019-20 funding pool. Combined with changes in relative share of the total Australian population, Tasmania's total 2020-21 FA Grant funding allocation has only increased by 0.82 per cent on its total 2019-20 funding allocation. If the grant pool increase had been larger, for example 3-4 per cent overall, there can still be instances where councils receive less than the average increase in funding, but their overall funding allocation change may still be positive. In circumstances where the overall size of the increase in the grant pool is low, as in the case of the 2020-21 Recommendations, more councils will experience a real reduction in their Base Grant allocation as their relative need for assistance decreases compared to other councils.

Furthermore, the Commission is restricted in the amount of funds that are available for funding councils with a relative need for assistance through the restriction imposed by the Minimum Grant National Principle issued under the Australian Government 1995 Act. This principle requires 30 per cent of the total Base Grant pool be distributed amongst all councils on a per capita basis. To achieve this, the Commission methodology is to allocate 30 per cent of the Base Grant funds on a per capita basis, and then determine the distribution of the remaining 70 per cent of funds based on the Commission's assessment of relative need of all councils. If the Commission's assessment of a council's relative need result is a deficit, that council will also receive a share of the 70 per cent relative needs funding pool. For the 2020-21 Base Grant allocations, the relative needs funding pool available for distribution only met 27.7 per cent of the sum of all assessed deficits;

- the uneven nature of the population growth that is occurring across the State. This affects not only the 30 per cent Minimum Grant entitlement a council receives, but also the calculation of the Average expenditure to which cost adjusters are then applied;
- the uneven distribution of increases in property values across the regions and suburbs. The municipal property revaluation cycle, and its associated biennial indexation factors, can also have an impact depending on the tempo of valuation increases; and
- some significant changes arising from the mirroring of the allocation of the Road Grant allocations in the roads expenditure in the BGM. The Base Grant allocations are impacted when there are material changes in the relative road asset preservation needs of councils as the state total roads expenditure category is re-profiled based on the profile of the Road Grant outcomes. Roads expenditure currently represents approximately 25.3 per cent of the state total operating expenditure of councils.

The Base Grant allocations also reflect the lagging effect of the protection provided by collars as they creates a tailing off or phasing in period before changes in methodology or data sources fully take effect in the Commission's BGM.

### ***Road Grant Estimated Entitlements***

For 2020-21, the estimated Road Grant Entitlement is \$41 695 489, which is +1.134 per cent more than the finalised 2019-20 entitlement. This rate of increase is the same as the indexation rate applied to the national Road Grant funding pool calculated by the Australian Government and reflects the fixed share of the pool that Tasmania receives.

Twenty six councils will receive increases in their Road Grant allocations for 2020-21 while three councils will experience a decrease.

The changes in the distribution of the Road Grant funding reflect both the modest rate of indexation applied to the National FA Grant funding pools as well changes in relative road asset preservation needs. The main driver of the changes in Road Grant funding reflect the correction in the gradient for 75 per cent of Derwent Valley Council's road lengths as a result of improvements to GIS data.

Other factors affecting the 2019-20 Road Grant funding allocations include:

- road length changes as a result of the transfer of sections of Davey and Macquarie Streets from Hobart City Council to the Department of State Growth;
- the construction of the Bridge of Remembrance in Hobart;
- the sealing of a significant length of previously unsealed roads by George Town Council;
- the continuation of a significant number of bridge upgrades from timber structures to concrete structures; and
- corrections to previously reported road lengths and bridge data by some councils.

As the relative share of asset preservation needs change (either increase or decrease) for a council, this will have flow-on implications for the distribution of the Road Grant funding allocation for other councils.

### **Application of collars ('caps' and 'floors')**

To create some stability in annual Base Grant allocations to councils, the Commission has historically applied 'caps' and 'floors' within its BGM. The 'cap' limits the year on year increase in Base Grant funding while the 'floor' restricts the year on year reduction in funding for any council. The Commission's policy is to apply a 'floor' of no more than -10 per cent and a 'cap' of no more than +15 per cent.

Caps and floors effectively constrain the variation between the year-on-year allocations generated by the BGM to within the specified limits. Any variation outside these limits is redistributed across all the other Relative Need Grant councils proportionally, until all Relative Need Grant councils receive an allocation which falls within these parameters. Depending on the level of extremity, the caps and floors can result in a major data or methodology change gradually coming into effect over several years.

Only one council (Glamorgan Spring Bay) benefited from the protection of the -10.0 per cent limitation in arriving at the 2020-21 Base Grant recommendations. No councils were impacted by the +15.0 per cent cap limitation.

The Commission does not use any collars in its RPM.

### **Approval of Financial Assistance Grant Recommendations**

The Commission determined its 2020-21 Recommendations for the distribution of financial assistance provided by the Australian Government to Tasmanian councils at its meeting on 16 July 2020. These were communicated to the Treasurer in a letter dated 17 July 2020, which also provided advice regarding the Commission's decision processes and methodology underpinning the 2020-21 recommendations, and the Commission's satisfaction of the criteria necessary for Tasmania to qualify for the receipt of the FA Grant funding from the Australian Government.

The Treasurer accepted the Commission's recommendations on 28 July 2020, and forwarded them to the Australian Government for approval. The recommendations were approved by the Australian Government Minister for Regional Health, Regional Communications and Local Government, the Honourable Mark Coulton, MP, on 6 August 2020.

Having taken account of the Australian Government's advance payment of approximately 50 per cent of the 2020-21 entitlement paid in May 2019, together with the adjustments made to the 2019-20 allocations, the balance of the entitlement will be paid in four instalments during 2020-21. The first instalment of the allocations was paid to the State Government on 17 August 2020 and this was distributed to councils by Treasury on 18 August 2020.

## 2020-21 Estimated Financial Assistance Grant allocations

The 2020-21 FA Grant allocations for Tasmania have been approved for distribution amongst Tasmanian councils as detailed in Table 13.

**Table 13: 2020-21 Financial Assistance Grant Estimate Allocation by council**

Council	Base Grant			Per Capita Total Base Grant	Road Grant		Total Road Grant	Total Grant
	Per Capita (30%)	Relative Needs (70%)	Total Base Grant		Roads	Bridges		
	\$	\$	\$	\$	\$	\$	\$	\$
Break O'Day	131 628	1 134 083	<b>1 265 711</b>	201.29	1 501 564	141 423	<b>1 642 987</b>	<b>2 908 698</b>
Brighton	369 995	992 737	<b>1 362 732</b>	77.10	595 754	35 272	<b>631 026</b>	<b>1 993 758</b>
Burnie	409 244	810 251	<b>1 219 495</b>	62.38	1 218 194	31 557	<b>1 249 751</b>	<b>2 469 246</b>
Central Coast	459 233	1 760 125	<b>2 219 358</b>	101.17	1 925 310	104 349	<b>2 029 659</b>	<b>4 249 017</b>
Central Highlands	44 588	927 782	<b>972 370</b>	456.51	1 459 041	56 606	<b>1 515 647</b>	<b>2 488 017</b>
Circular Head	169 099	1 047 060	<b>1 216 159</b>	150.55	1 981 430	93 053	<b>2 074 483</b>	<b>3 290 642</b>
Clarence	1 210 087	0	<b>1 210 087</b>	20.93	1 706 672	20 576	<b>1 727 248</b>	<b>2 937 335</b>
Derwent Valley	218 208	1 207 750	<b>1 425 958</b>	136.80	840 074	62 678	<b>902 752</b>	<b>2 328 710</b>
Devonport	536 581	641 015	<b>1 177 596</b>	45.94	1 185 040	22 145	<b>1 207 185</b>	<b>2 384 781</b>
Dorset	138 871	1 348 777	<b>1 487 648</b>	224.25	1 805 150	128 125	<b>1 933 275</b>	<b>3 420 923</b>
Flinders	21 143	686 857	<b>708 000</b>	700.99	744 256	22 539	<b>766 795</b>	<b>1 474 795</b>
George Town	145 863	995 484	<b>1 141 347</b>	163.80	832 801	43 035	<b>875 836</b>	<b>2 017 183</b>
Glamorgan Spring Bay	96 335	130 194	<b>226 529</b>	49.22	987 929	58 371	<b>1 046 300</b>	<b>1 272 829</b>
Glenorchy	1 004 146	0	<b>1 004 146</b>	20.93	1 424 512	49 320	<b>1 473 832</b>	<b>2 477 978</b>
Hobart	1 143 979	0	<b>1 143 979</b>	20.93	1 526 992	124 423	<b>1 651 415</b>	<b>2 795 394</b>
Huon Valley	367 608	1 591 687	<b>1 959 295</b>	111.57	1 583 866	121 754	<b>1 705 620</b>	<b>3 664 915</b>
Kentish	132 193	1 356 879	<b>1 489 072</b>	235.80	1 161 372	70 345	<b>1 231 717</b>	<b>2 720 789</b>
King Island	33 702	823 093	<b>856 795</b>	532.17	1 053 135	19 589	<b>1 072 724</b>	<b>1 929 519</b>
Kingborough	801 952	0	<b>801 952</b>	20.93	1 506 380	57 378	<b>1 563 758</b>	<b>2 365 710</b>
Latrobe	243 621	680 700	<b>924 321</b>	79.42	762 620	38 753	<b>801 373</b>	<b>1 725 694</b>
Launceston	1 423 605	0	<b>1 423 605</b>	20.93	2 906 071	105 560	<b>3 011 631</b>	<b>4 435 236</b>
Meander Valley	415 399	1 600 660	<b>2 016 059</b>	101.60	2 083 630	154 901	<b>2 238 531</b>	<b>4 254 590</b>
Northern Midlands	281 280	853 566	<b>1 134 846</b>	84.46	2 302 834	156 043	<b>2 458 877</b>	<b>3 593 723</b>
Sorell	326 621	964 814	<b>1 291 435</b>	82.77	960 476	57 805	<b>1 018 281</b>	<b>2 309 716</b>
Southern Midlands	131 670	1 699 753	<b>1 831 423</b>	291.16	1 582 439	117 331	<b>1 699 770</b>	<b>3 531 193</b>
Tasman	50 533	422 076	<b>472 609</b>	195.78	540 710	26 156	<b>566 866</b>	<b>1 039 475</b>
Waratah-Wynyard	289 465	1 466 302	<b>1 755 767</b>	126.97	1 391 337	85 065	<b>1 476 402</b>	<b>3 232 169</b>
West Coast	87 396	1 305 106	<b>1 392 502</b>	333.53	712 158	56 208	<b>768 366</b>	<b>2 160 868</b>
West Tamar	503 863	1 658 359	<b>2 162 222</b>	89.83	1 300 763	52 619	<b>1 353 382</b>	<b>3 515 604</b>
<b>Total</b>	<b>11 187 908</b>	<b>26 105 110</b>	<b>37 293 018</b>	<b>69.78</b>	<b>39 582 510</b>	<b>2 112 979</b>	<b>41 695 489</b>	<b>78 988 507</b>

## **4 – HEAVY VEHICLE MOTOR TAX REVENUE ALLOCATIONS BY COUNCIL**

The *State Grants Commission Act 1976* also requires the Commission to recommend the distribution amongst councils of State motor taxes collected on the registration of heavy vehicles. The distribution of the Heavy Vehicle Motor Tax Revenue (HVMTR) is not governed by the Australian Government 1995 Act and the funding is not a component of the FA Grant funding pool.

Since 1996-97, the State Government has allocated \$1.5 million per annum of heavy vehicle motor taxes for distribution to councils.

The Commission bases the distribution of the HVMTR on heavy vehicle road usage data from the TFS conducted by the DSG. The TFS provides a measure of *tonne-kilometres (T-K)* which is the product of tonnage carried over local roads and the distance over which it is carried, identified by the largest freight demanders in Tasmania.

In recognition of the pre-existing entitlement under the provisions of the *Roads and Jetties Act 1935* for the Flinders and King Island Councils to a full reimbursement from the State Government of all motor tax paid on vehicles registered within their boundaries, the Commission considers it as inequitable for Flinders and King Island to also receive a share of the HVMTR pool.

As Kingborough Council also receives a refund of motor tax under the *Roads and Jetties Act* for vehicles registered on Bruny Island, the Commission also excludes the Bruny Island portion of the freight task for Kingborough Council when determining that council's entitlement to the HVMTR funding.

The Commission has made its recommendations for the distribution of the 2020-21 HVMTR, based on the 2016-17 TFS results, being the most recent data available. These recommendations are detailed in Table 14. These were approved by the Commission at its meeting on 16 July 2020. These are currently awaiting approval by the Treasurer.

**Table 14: 2020-21 Heavy Vehicle Motor Tax Revenue Distribution by council**

	Tonne-Kilometres <sup>(1)</sup>	Share of State Total	2020-21 Distribution \$
Break O'Day	4 334 919	3.25%	48 822
Brighton	1 470 689	1.10%	16 564
Burnie	5 004 571	3.76%	56 364
Central Coast	6 392 695	4.80%	71 998
Central Highlands	1 971 769	1.48%	22 207
Circular Head	26 515 660	19.91%	298 632
Clarence	2 562 504	1.92%	28 860
Derwent Valley	5 974 331	4.49%	67 286
Devonport	7 017 251	5.27%	79 032
Dorset	12 453 884	9.35%	140 262
Flinders	728 258		0
George Town	2 879 957	2.16%	32 435
Glamorgan Spring Bay	56 148	0.04%	632
Glenorchy	2 355 673	1.77%	26 531
Hobart	5 136 797	3.86%	57 853
Huon Valley	3 828 854	2.87%	43 122
Kentish	5 240 182	3.93%	59 017
King Island	1 505 220		0
Kingborough <sup>(2)</sup>	807 358	0.61%	9 093
Latrobe	1 262 032	0.95%	14 214
Launceston	14 806 752	11.12%	166 761
Meander Valley	4 521 297	3.39%	50 921
Northern Midlands	6 624 783	4.97%	74 611
Sorell	1 218 885	0.92%	13 728
Southern Midlands	1 035 112	0.78%	11 658
Tasman	840 700	0.63%	9 468
Waratah-Wynyard	6 463 706	4.85%	72 797
West Coast	140 261	0.11%	1 580
West Tamar	2 268 828	1.70%	25 552
<b>Total</b>	<b>135 419 076</b>	<b>100.00%</b>	<b>1 500 000</b>

(1) Source: Tonne-Kilometres from the 2016-17 Tasmanian Freight Survey

(2) Net of adjustment for Bruny Island freight task

## **APPENDICES**

## **APPENDIX I: NATIONAL PRINCIPLES FOR DETERMINING THE DISTRIBUTION OF FINANCIAL ASSISTANCE GRANT FUNDING**

The national principles for the distribution of Base Grants (Section 9 of the *Australian Government 1995 Act*) are:

### **National Principles – Base Grant Distribution**

#### ***1. Horizontal Fiscal Equalisation***

General-purpose grants will be allocated to local governing bodies, as far as practicable, on a full horizontal equalisation basis as defined by the Act. This ensures that each local governing body in the State/Territory is able to function, by reasonable effort, at a standard not lower than the average standard of other local governing bodies in the State. It takes account of differences in the expenditure required by those local governing bodies in the performance of their functions and in the capacity of those local governing bodies to raise revenue.

#### ***2. Effort Neutrality***

An effort or policy neutral approach will be used in assessing expenditure requirements and revenue raising capacity of each local governing body. This means as far as practicable, policies of individual local governing bodies in terms of expenditure and revenue effort will not affect the grant determination.

#### ***3. Minimum Grant***

The minimum general-purpose grant allocation for a local governing body in a year will not be less than the amount to which the local governing body would be entitled if 30 per cent of the total amount of general-purpose grants, to which the State or Territory is entitled under Section 9 of the Act in respect of the year, were allocated among local governing bodies in the State/Territory on a per capita basis.

#### ***4. Other Grant Support***

Other relevant grant support provided to local governing bodies to meet any of the expenditure needs assessed should be taken into account using an inclusion approach.

#### ***5. Aboriginal Peoples and Torres Strait Islanders***

Financial assistance shall be allocated to councils in a way that recognises the needs of Aboriginal peoples and Torres Strait Islanders within their boundaries.

#### ***6. Council Amalgamation***

Where two or more local governing bodies are amalgamated into a single body, the general-purpose grant provided to the new body for each of the four years following amalgamation should be the total of the amounts that would have been provided to the former bodies in each of those years if they had remained separate entities.



The national principle governing the distribution of Road Grants (Section 12 of the *Australian Government 1995 Act*) is:

**National Principle - Road Grant Distribution**

***Identified Road Component***

The identified road component of the financial assistance grants should be allocated to local governing bodies, as far as practicable, based on the relative need of each local governing body for road expenditure to preserve its road assets. In assessing road needs, relevant considerations include length, type and usage of roads in each local governing area.

The Commission has also developed an additional set of State Principles, which are detailed in the Distribution Methodology Paper and available on the Commission's website <https://www.treasury.tas.gov.au/state-grants-commission>.

**APPENDIX 2: ACRONYMS IN THIS ANNUAL REPORT**

Definitions of the abbreviated acronyms referenced in this Annual Report:

Abbreviation	Description
ABS	Australian Bureau of Statistics
BGM	Base Grant Model
CA	Cost Adjustor
CS	Conversation Starter
DP	Discussion Paper
DPIPWE	Department of Primary Industries, Parks, Water and the Environment
DSG	Department of State Growth
FA Grant	Financial Assistance Grant
FTE	Full Time Equivalent
GIS	Geographic Information System
HVMTR	Heavy Vehicle Motor Tax Revenue
IP	Information Paper
IRSD	Index of Relative Socio-economic Disadvantage (ABS)
LGAT	Local Government Association of Tasmania
LGD	Local Government Division (Department of Premier and Cabinet)
NDRRA	Natural Disaster Relief and Recovery Arrangements
RPM	Road Preservation Model
SEIFA	Socio-Economic Index For Areas (ABS)
TFS	Traffic Freight Survey

### **APPENDIX 3: ISSUES DISCUSSED DURING 2020 HEARINGS & VISITS**

To support the Commission's consideration of methodology matters, the Commission has a practice of publishing documents related to aspects of its methodology it is reviewing or seeking to discuss with councils at the annual hearings and visits. During 2019-20, the Commission issued three papers as the primary agenda items to be discussed at the 2020 Hearings and Visits and on which Councils were invited to provide written submissions. The discussion and feedback received on each topic was as follows:

- *Commission Decision CD20-01 Socio-Economic Factors in the Base Grant Model - Replacement of the Unemployment Cost Adjustor with a SEIFA based Cost Adjustor*

In October 2019, the Commission issued its Decision Paper CD20-01 which, based on previous years' discussions, provided the Commission's preliminary decision as to how it intended to implement its new SEIFA IRSD Cost Adjustor.

The Commission's Decision Paper detailed the basis, design, expenditure categories and the redistributive effect which the Commission intended to apply the new cost adjustor. The design of the cost adjustor has been modelled on the Victorian SEIFA Cost adjustor, but as each jurisdiction uses slightly different expenditure categories, the expenditure categories used for the Commission's proposed SEIFA IRSD cost adjustor were based on the results of the Commission's own research rather than the categories used by the Victorian Grants Commission. The Commission's own research indicated that the SEIFA IRSD Index only showed a correlation with the Community Amenities expenditure sub-category of the Planning and Communities expenditure category used by the Commission.

All councils indicated agreement with the Commission's move to a SEIFA informed cost adjustor rather than the Unemployment Cost Adjustor. No objections were raised regarding the proposed expenditure categories and redistributive effect for the new cost adjustor. There was a small number of councils that questioned the use of the municipal-wide SEIFA IRSD score as the basis of the cost adjustor as they felt it was not an accurate indicator of the impact of pockets of suburbs within a municipality which were experiencing exceptional levels of disadvantage.

Having considered the feedback from councils and noting the concerns raised regarding the compounded disadvantages of pockets of municipalities, the Commission has determined that it would implement the SEIFA IRSD Cost Adjustor as the replacement for the Unemployment Cost Adjustor in the 2020-21 BGM using a similar redistributive effect (total expenditure redistributed) as the Unemployment Cost Adjustor, and based on the Planning and Community Amenities expenditure category. The Commission also reaffirmed its determination to adopt the SEIFA IRSD index at the municipal-wide average measure.

- *Discussion Paper DP20-01 Regional Responsibility Non-Resident Impacts - The Bigger Picture*

In December 2019, the Commission issued Discussion Paper DP20-01 as the main focus of the 2020 Hearings and Visits discussions and continued discussions in relation to the adequacy or otherwise of the current Regional Responsibility Cost Adjustor. In line with proposals put forward by many councils, the Paper examined all the cost adjustors which reflect the movement

of people across council borders, being Worker Influx, Tourism, Absentee Population and Regional Responsibility. The Paper discussed a number of options, and flagged the potential use of a cost adjustor based on Service Industry Employment (SIE) data as a surrogate indicator of the impact on council services provided to their own plus visiting populations. The proposed Regional Service Industry (RSI) Employment Cost Adjustor has been modelled on the design of the Victorian SIE Cost Adjustor and employment categories.

This Discussion Paper generated considerable discussion. Some councils queried whether the case for regional responsibility disadvantage had been clearly made, arguing that the councils recognised as providing regional services actually had an advantage and not a disadvantage. Some also proposed that they be excluded from the impact of any such cost adjustor that the Commission may adopt as their populations did not use the services being provided by the regional councils.

Whilst a number of scenarios were provided for consideration, there was no support for simply reviewing the weightings of the current Regional Responsibility Cost Adjustor. Discussions indicated that as the various non-resident type cost adjustors measure different people flows which have different impacts for councils, it is worth considering if some different combination of the current cost adjustors and the proposed RSI cost adjustor warrants further exploration, such as Worker Influx and RSI Cost Adjustor, or a review of the Worker Influx Cost Adjustor expenditure categories and redistributive effect.

Most councils leant towards the general concept of the RSI Cost Adjustor proposal, although considerable work is still required. There was discussion regarding the types of industries used to inform the RSI Cost Adjustor and whether volunteer workforces get included in the industry statistics. Other issues were that the Census, on which the industry data is based, is assessed during the off-season for their council and thus the RSI figures were not truly reflective of the impact of seasonal and itinerant employment in their service industries during peak season. The Commission heard that councils are having to plan for peaks in activity and capacity causing serious additional costs in planning, compliance, roadside parking, waste management, public amenities, streetscapes and road maintenance. These responses indicate a closer review is warranted in the next steps of this project to determine if the right industries in Tasmania's circumstances are used rather than just adopting the industries used by Victoria as service industries. Separating Tourism type service industry employment data from other service industries and evaluating the resultant employment profile results may also be an option worth investigating for the Tourism Cost Adjustor.

Most councils agreed that public toilets, garbage and streetscape expenses were relevant whereas others saw some of the expenditures (e.g. car parking and waste) as cost recovery or profit centres and therefore should not be applicable. Also some expenditure where the effects are felt appear against the "Other" expenditure category. Currently the Commission does not apply any cost adjustors to this expenditure category due to the eclectic nature of this category and there being no specific, consistent driver to the expenses councils incur in this expenditure category. The modelled RSI Cost Adjustor provided in DP20-01 contained floors and regional uplift factors. These triggered several queries as to how they were determined, and councils generally preferred that the raw data be used instead of including artificial floors. No comments were received regarding the Capital City Cap modelled in the example in DP20-01.

While the Tourism Cost Adjustor was not flagged for specific discussion as part of the Non-Resident Impacts paper, a lot of council feedback also extended to this matter given tourists represent a significant group of non-residents for most councils. The phasing out of the Tourism Cost Adjustor has been put on hold, pending the outcome of the Non-Resident Impacts review.

The Commission will continue its review into the impact that non-residents have on councils more broadly during 2020-21.

- *Information Paper IP20-01 State Grants Commission Strategic and Operational Planning Framework*

During 2019-20, the Commission continued its conversations with councils about its roles and responsibilities, and its future planning to achieve its desired outcomes. In December 2019, the Commission issued Information Paper IP20-01 which described how the Commission will approach the achievement of its broad goals of strong stakeholder relationships, methodology integrity and high standards of governance for its internal operational processes. The paper outlined a project approach to research on issues, and included a preliminary forward work plan and ways in which the communications and cooperation of stakeholders could assist in higher levels of data consistency and methodological soundness.

The Commission expressed the view that its project approach to research projects and fitting these into a triennium cycle may not always be compatible. The Commission explained its preference to councils to moving to implementing methodology changes once it was satisfied on a decision and it was ready for implementation. The benefit of such an approach would be that it would make it easier to identify and explain changes in grant outcomes to councils.

At the 2020 Hearings and Visits, all councils supported the Commission introducing methodology changes as and when matters were resolved to the satisfaction of the Commission, as long as the Commission's collars policy of caps and floors to moderate variances to the final outcomes continued to apply. Given the strong support from councils on this issue, the Commission has determined that it would implement the change effective from the 2020-21 allocations.

At the 2020 Hearings and Visits, councils were informed of the redesigning of the Commission's Model and the anticipated improvements to the Commission's ability to explain drivers and reasons for changes in their respective grant allocations.

The Commission discussed its intention to work with LGAT and LGD regarding workshopping CDC Data issues and improvements, with some council officers expressing interest in participating and contributing towards such workshops.

Councils also expressed appreciation of the changes the Commission has made regarding the earlier issuing of papers for their consideration as this permits greater discussion with elected members on Commission methodology matters.

**APPENDIX 4: TOTAL FINAL FINANCIAL ASSISTANCE GRANTS PROVIDED IN 2019-20**

Council	Base Grant			Road Grant					Total Grant 2018-19 \$
	Recommended		Total Base Grant \$	Base Grant Adjustment \$	Recommended		Road Grant Adjustment \$		
	Per Capita (30%) \$	Relative Needs (70%) \$			Roads \$	Bridges \$		Total Road Grant \$	
Break O'Day	131 251	1 180 710	1 311 961	1 368	1 468 862	140 211	1 609 073	- 3 438	2 918 964
Brighton	364 225	945 718	1 309 943	1 568	587 522	34 635	622 157	- 1 329	1 932 339
Burnie	407 484	730 922	1 138 406	1 442	1 200 503	31 255	1 231 758	- 2 631	2 368 975
Central Coast	461 315	1 668 878	2 130 193	2 437	1 905 082	102 666	2 007 748	- 4 289	4 136 089
Central Highlands	45 154	935 616	980 770	978	1 447 116	57 140	1 504 256	- 3 213	2 482 791
Circular Head	169 876	1 077 815	1 247 691	1 340	1 976 096	91 058	2 067 154	- 4 416	3 311 769
Clarence	1 199 305	0	1 199 305	1 319	1 660 639	20 380	1 681 019	- 3 591	2 878 052
Derwent Valley	216 715	1 233 348	1 450 063	1 574	882 187	73 469	955 656	- 2 042	2 405 251
Devonport	535 259	544 076	1 079 335	1 497	1 174 401	21 833	1 196 234	- 2 556	2 274 510
Dorset	140 096	1 400 552	1 540 648	1 596	1 799 191	126 698	1 925 889	- 4 115	3 464 018
Flinders	20 787	664 470	685 257	674	737 405	22 323	759 728	- 1 623	1 444 036
George Town	145 972	935 324	1 081 296	1 161	766 456	43 914	810 370	- 1 731	1 891 096
Glamorgan Spring Bay	95 363	156 336	251 699	0	975 221	57 813	1 033 034	- 2 206	1 282 527
Glenorchy	1 003 250	0	1 003 250	1 103	1 402 862	48 849	1 451 711	- 3 102	2 452 962
Hobart	1 130 626	0	1 130 626	1 243	1 549 576	106 731	1 656 307	- 3 538	2 784 638
Huon Valley	362 645	1 652 741	2 015 386	2 243	1 556 130	125 057	1 681 187	- 3 592	3 695 224
Kentish	133 188	1 420 051	1 553 239	1 602	1 153 472	69 673	1 223 145	- 2 613	2 775 373
King Island	33 718	842 668	876 386	868	1 044 625	23 429	1 068 054	- 2 282	1 943 026
Kingborough	794 707	0	794 707	873	1 486 351	56 162	1 542 513	- 3 296	2 334 797
Latrobe	238 597	651 300	889 897	1 059	755 653	38 382	794 035	- 1 696	1 683 295
Launceston	1 420 527	0	1 420 527	1 562	2 875 692	106 612	2 982 304	- 6 371	4 398 022
Meander Valley	415 171	1 670 778	2 085 949	2 355	2 065 836	155 534	2 221 370	- 4 745	4 304 929
Northern Midlands	280 108	871 881	1 151 989	1 345	2 283 358	157 842	2 441 200	- 5 215	3 589 319
Sorell	320 503	929 230	1 249 733	1 472	987 955	63 309	1 051 264	- 2 246	2 300 223
Southern Midlands	128 850	1 695 728	1 824 578	1 856	1 573 474	117 620	1 691 094	- 3 613	3 513 915
Tasman	50 630	415 821	466 451	491	535 709	28 030	563 739	- 1 204	1 029 477
Waratah-Wynyard	290 639	1 428 223	1 718 862	1 896	1 378 354	84 541	1 462 895	- 3 125	3 180 528
West Coast	87 760	1 301 081	1 388 841	1 404	693 157	53 940	747 097	- 1 596	2 135 746
West Tamar	500 593	1 603 464	2 104 057	2 447	1 281 824	52 278	1 334 102	- 2 851	3 437 755
Total	11 124 314	25 956 731	37 081 045	40 773	39 204 709	2 111 384	41 316 093	- 88 265	78 349 646

\* The final grant entitlement for 2019-20 was \$78 349 646 based on an accrual calculation using actual population and Consumer Price Index figures for the year, whereas the entitlement was estimated to be \$78 397 138. Consequently, the amounts shown in the adjustment columns should be subtracted from the 2019-20 estimates to reflect 'actual' final grant entitlements. The total overpayment of \$47 492 is to be added to the regular quarterly instalments over the 2020-21 financial year as specified in the Commonwealth Local Government (Financial Assistance) Act 1995.

**APPENDIX 5: COMPARISON OF 2020-21 FINANCIAL ASSISTANCE RECOMMENDATIONS TO 2019-20 FINAL GRANT OUTCOMES**

Council	Recommended	Change from	Change from	Recommended	Change from	Change	Recommended	Change from	Change from
	2020-21 Base Grant \$	2019-20 Base Grant \$	2019-20 Base Grant %	2019-20 Road Grant \$	2019-20 Road Grant \$	from 2019- 20 Road Grant %	2020-21 Total Grant \$	2019-20 Total Grant \$	2019-20 Total Grant %
Break O'Day	1 265 711	- 47 618	-3.6%	1 642 987	+ 37 352	+2.3%	2 908 698	- 10 266	-0.4%
Brighton	1 362 732	+ 51 221	+3.9%	631 026	+ 10 198	+1.6%	1 993 758	+ 61 419	+3.2%
Burnie	1 219 495	+ 79 647	+7.0%	1 249 751	+ 20 624	+1.7%	2 469 246	+ 100 271	+4.2%
Central Coast	2 219 358	+ 86 728	+4.1%	2 029 659	+ 26 200	+1.3%	4 249 017	+ 112 928	+2.7%
Central Highlands	972 370	- 9 378	-1.0%	1 515 647	+ 14 604	+1.0%	2 488 017	+ 5 226	+0.2%
Circular Head	1 216 159	- 32 872	-2.6%	2 074 483	+ 11 745	+0.6%	3 290 642	- 21 127	-0.6%
Clarence	1 210 087	+ 9 463	+0.8%	1 727 248	+ 49 820	+3.0%	2 937 335	+ 59 283	+2.1%
Derwent Valley	1 425 958	- 25 679	-1.8%	902 752	- 50 862	-5.3%	2 328 710	- 76 541	-3.2%
Devonport	1 177 596	+ 96 764	+9.0%	1 207 185	+ 13 507	+1.1%	2 384 781	+ 110 271	+4.8%
Dorset	1 487 648	- 54 596	-3.5%	1 933 275	+ 11 501	+0.6%	3 420 923	- 43 095	-1.2%
Flinders	708 000	+ 22 069	+3.2%	766 795	+ 8 690	+1.1%	1 474 795	+ 30 759	+2.1%
George Town	1 141 347	+ 58 890	+5.4%	875 836	+ 67 197	+8.3%	2 017 183	+ 126 087	+6.7%
Glamorgan Spring Bay	226 529	- 25 170	-10.0%	1 046 300	+ 15 472	+1.5%	1 272 829	- 9 698	-0.8%
Glenorchy	1 004 146	- 207	-0.0%	1 473 832	+ 25 223	+1.7%	2 477 978	+ 25 016	+1.0%
Hobart	1 143 979	+ 12 110	+1.1%	1 651 415	- 1 354	-0.1%	2 795 394	+ 10 756	+0.4%
Huon Valley	1 959 295	- 58 334	-2.9%	1 705 620	+ 28 025	+1.7%	3 664 915	- 30 309	-0.8%
Kentish	1 489 072	- 65 769	-4.2%	1 231 717	+ 11 185	+0.9%	2 720 789	- 54 584	-2.0%
King Island	856 795	- 20 459	-2.3%	1 072 724	+ 6 952	+0.7%	1 929 519	- 13 507	-0.7%
Kingborough	801 952	+ 6 372	+0.8%	1 563 758	+ 24 541	+1.6%	2 365 710	+ 30 913	+1.3%
Latrobe	924 321	+ 33 365	+3.7%	801 373	+ 9 034	+1.1%	1 725 694	+ 42 399	+2.5%
Launceston	1 423 605	+ 1 516	+0.1%	3 011 631	+ 35 698	+1.2%	4 435 236	+ 37 214	+0.8%
Meander Valley	2 016 059	- 72 245	-3.5%	2 238 531	+ 21 906	+1.0%	4 254 590	- 50 339	-1.2%
Northern Midlands	1 134 846	- 18 488	-1.6%	2 458 877	+ 22 892	+0.9%	3 593 723	+ 4 404	+0.1%
Sorell	1 291 435	+ 40 230	+3.2%	1 018 281	- 30 737	-2.9%	2 309 716	+ 9 493	+0.4%
Southern Midlands	1 831 423	+ 4 989	+0.3%	1 699 770	+ 12 289	+0.7%	3 531 193	+ 17 278	+0.5%
Tasman	472 609	+ 5 667	+1.2%	566 866	+ 4 331	+0.8%	1 039 475	+ 9 998	+1.0%
Waratah-Wynyard	1 755 767	+ 35 009	+2.0%	1 476 402	+ 16 632	+1.1%	3 232 169	+ 51 641	+1.6%
West Coast	1 392 502	+ 2 257	+0.2%	768 366	+ 22 865	+3.1%	2 160 868	+ 25 122	+1.2%
West Tamar	2 162 222	+ 55 718	+2.6%	1 353 382	+ 22 131	+1.7%	3 515 604	+ 77 849	+2.3%
<b>Total</b>	<b>37 293 018</b>	<b>+ 171 200</b>	<b>+0.5%</b>	<b>41 695 489</b>	<b>+ 467 661</b>	<b>+1.1%</b>	<b>78 988 507</b>	<b>+ 638 861</b>	<b>+0.8%</b>

**APPENDIX 6: 2020-21 FINANCIAL ASSISTANCE GRANT ADVANCE PAYMENT**

<b>Council</b>	<b>General Purpose \$</b>	<b>Road Grant \$</b>	<b>Total \$</b>
Break O'Day	668 427	818 130	1 486 557
Brighton	647 965	317 163	965 128
Burnie	607 266	641 669	1 248 935
Central Coast	1 129 332	1 070 507	2 199 839
Central Highlands	502 239	786 271	1 288 510
Circular Head	634 518	1 090 712	1 725 230
Clarence	623 705	885 639	1 509 344
Derwent Valley	756 934	495 917	1 252 851
Devonport	523 577	565 524	1 089 101
Dorset	813 261	1 013 052	1 826 313
Flinders	361 121	397 463	758 584
George Town	565 102	402 069	967 171
Glamorgan Spring Bay	135 787	528 503	664 290
Glenorchy	516 470	761 169	1 277 639
Hobart	584 483	827 009	1 411 492
Huon Valley	1 050 702	872 491	1 923 193
Kentish	804 952	688 262	1 493 214
King Island	446 088	561 622	1 007 710
Kingborough	412 590	818 939	1 231 529
Latrobe	461 212	415 298	876 510
Launceston	734 765	1 499 879	2 234 644
Meander Valley	1 056 899	1 160 994	2 217 893
Northern Midlands	589 456	1 267 459	1 856 915
Sorell	660 655	595 974	1 256 629
Southern Midlands	958 292	882 128	1 840 420
Tasman	249 359	312 876	562 235
Waratah-Wynyard	928 944	777 547	1 706 491
West Coast	717 430	332 141	1 049 571
West Tamar	1 066 509	701 774	1 768 283
<b>Total</b>	<b>19 208 040</b>	<b>21 488 181</b>	<b>40 696 221</b>

*\* There was an instalment payment brought forward of approximately 50 per cent of the 2020-21 Financial Assistance Grant Entitlements into May 2020.*



**APPENDIX 7: 2020-21 FINANCIAL ASSISTANCE GRANT ENTITLEMENTS - BALANCE REMAINING AFTER ADVANCE PAYMENT**

Council	Recommended Entitlements			2020-21 Brought Forward			2020-21 Entitlement Balance		
	2020-21			Paid in 2019-20			Less Brought Forward		
	Base Grant	Road Grant	Total Grant	Base Grant	Road Grant	Total Grant	Base Grant	Road Grant	Total Grant
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Break O'Day	1 265 711	1 642 987	<b>2 908 698</b>	- 668 427	- 818 130	<b>- 1 486 557</b>	597 284	824 857	<b>1 422 141</b>
Brighton	1 362 732	631 026	<b>1 993 758</b>	- 647 965	- 317 163	<b>- 965 128</b>	714 767	313 863	<b>1 028 630</b>
Burnie	1 219 495	1 249 751	<b>2 469 246</b>	- 607 266	- 641 669	<b>- 1 248 935</b>	612 229	608 082	<b>1 220 311</b>
Central Coast	2 219 358	2 029 659	<b>4 249 017</b>	- 1 129 332	- 1 070 507	<b>- 2 199 839</b>	1 090 026	959 152	<b>2 049 178</b>
Central Highlands	972 370	1 515 647	<b>2 488 017</b>	- 502 239	- 786 271	<b>- 1 288 510</b>	470 131	729 376	<b>1 199 507</b>
Circular Head	1 216 159	2 074 483	<b>3 290 642</b>	- 634 518	- 1 090 712	<b>- 1 725 230</b>	581 641	983 771	<b>1 565 412</b>
Clarence	1 210 087	1 727 248	<b>2 937 335</b>	- 623 705	- 885 639	<b>- 1 509 344</b>	586 382	841 609	<b>1 427 991</b>
Derwent Valley	1 425 958	902 752	<b>2 328 710</b>	- 756 934	- 495 917	<b>- 1 252 851</b>	669 024	406 835	<b>1 075 859</b>
Devonport	1 177 596	1 207 185	<b>2 384 781</b>	- 523 577	- 565 524	<b>- 1 089 101</b>	654 019	641 661	<b>1 295 680</b>
Dorset	1 487 648	1 933 275	<b>3 420 923</b>	- 813 261	- 1 013 052	<b>- 1 826 313</b>	674 387	920 223	<b>1 594 610</b>
Flinders	708 000	766 795	<b>1 474 795</b>	- 361 121	- 397 463	<b>- 758 584</b>	346 879	369 332	<b>716 211</b>
George Town	1 141 347	875 836	<b>2 017 183</b>	- 565 102	- 402 069	<b>- 967 171</b>	576 245	473 767	<b>1 050 012</b>
Glamorgan Spring Bay	226 529	1 046 300	<b>1 272 829</b>	- 135 787	- 528 503	<b>- 664 290</b>	90 742	517 797	<b>608 539</b>
Glenorchy	1 004 146	1 473 832	<b>2 477 978</b>	- 516 470	- 761 169	<b>- 1 277 639</b>	487 676	712 663	<b>1 200 339</b>
Hobart	1 143 979	1 651 415	<b>2 795 394</b>	- 584 483	- 827 009	<b>- 1 411 492</b>	559 496	824 406	<b>1 383 902</b>
Huon Valley	1 959 295	1 705 620	<b>3 664 915</b>	- 1 050 702	- 872 491	<b>- 1 923 193</b>	908 593	833 129	<b>1 741 722</b>
Kentish	1 489 072	1 231 717	<b>2 720 789</b>	- 804 952	- 688 262	<b>- 1 493 214</b>	684 120	543 455	<b>1 227 575</b>
King Island	856 795	1 072 724	<b>1 929 519</b>	- 446 088	- 561 622	<b>- 1 007 710</b>	410 707	511 102	<b>921 809</b>
Kingborough	801 952	1 563 758	<b>2 365 710</b>	- 412 590	- 818 939	<b>- 1 231 529</b>	389 362	744 819	<b>1 134 181</b>
Latrobe	924 321	801 373	<b>1 725 694</b>	- 461 212	- 415 298	<b>- 876 510</b>	463 109	386 075	<b>849 184</b>
Launceston	1 423 605	3 011 631	<b>4 435 236</b>	- 734 765	- 1 499 879	<b>- 2 234 644</b>	688 840	1 511 752	<b>2 200 592</b>
Meander Valley	2 016 059	2 238 531	<b>4 254 590</b>	- 1 056 899	- 1 160 994	<b>- 2 217 893</b>	959 160	1 077 537	<b>2 036 697</b>
Northern Midlands	1 134 846	2 458 877	<b>3 593 723</b>	- 589 456	- 1 267 459	<b>- 1 856 915</b>	545 390	1 191 418	<b>1 736 808</b>
Sorell	1 291 435	1 018 281	<b>2 309 716</b>	- 660 655	- 595 974	<b>- 1 256 629</b>	630 780	422 307	<b>1 053 087</b>
Southern Midlands	1 831 423	1 699 770	<b>3 531 193</b>	- 958 292	- 882 128	<b>- 1 840 420</b>	873 131	817 642	<b>1 690 773</b>
Tasman	472 609	566 866	<b>1 039 475</b>	- 249 359	- 312 876	<b>- 562 235</b>	223 250	253 990	<b>477 240</b>
Waratah-Wynyard	1 755 767	1 476 402	<b>3 232 169</b>	- 928 944	- 777 547	<b>- 1 706 491</b>	826 823	698 855	<b>1 525 678</b>
West Coast	1 392 502	768 366	<b>2 160 868</b>	- 717 430	- 332 141	<b>- 1 049 571</b>	675 072	436 225	<b>1 111 297</b>
West Tamar	2 162 222	1 353 382	<b>3 515 604</b>	- 1 066 509	- 701 774	<b>- 1 768 283</b>	1 095 713	651 608	<b>1 747 321</b>
<b>Total</b>	<b>37 293 018</b>	<b>41 695 489</b>	<b>78 988 507</b>	<b>- 19 208 040</b>	<b>- 21 488 181</b>	<b>- 40 696 221</b>	<b>18 084 978</b>	<b>20 207 308</b>	<b>38 292 286</b>

**APPENDIX 8: 2020-21 FINANCIAL ASSISTANCE GRANT ENTITLEMENTS - BALANCE DUE, ADJUSTMENT AND CASH PAYMENTS**

	2020-21 Entitlement Less Brought Forward			Adjustment 2019-20			Cash Payments 2020-21		
	Base Grant	Road Grant	Total Grant	Base Grant	Road Grant	Total Grant	Base Grant	Road Grant	Total Grant
Council	\$	\$	\$	\$	\$	\$	\$	\$	\$
Break O'Day	597 284	824 857	<b>1 422 141</b>	1 368	- 3 438	- <b>2 070</b>	598 652	821 419	<b>1 420 071</b>
Brighton	714 767	313 863	<b>1 028 630</b>	1 568	- 1 329	<b>239</b>	716 335	312 534	<b>1 028 869</b>
Burnie	612 229	608 082	<b>1 220 311</b>	1 442	- 2 631	- <b>1 189</b>	613 671	605 451	<b>1 219 122</b>
Central Coast	1 090 026	959 152	<b>2 049 178</b>	2 437	- 4 289	- <b>1 852</b>	1 092 463	954 863	<b>2 047 326</b>
Central Highlands	470 131	729 376	<b>1 199 507</b>	978	- 3 213	- <b>2 235</b>	471 109	726 163	<b>1 197 272</b>
Circular Head	581 641	983 771	<b>1 565 412</b>	1 340	- 4 416	- <b>3 076</b>	582 981	979 355	<b>1 562 336</b>
Clarence	586 382	841 609	<b>1 427 991</b>	1 319	- 3 591	- <b>2 272</b>	587 701	838 018	<b>1 425 719</b>
Derwent Valley	669 024	406 835	<b>1 075 859</b>	1 574	- 2 042	- <b>468</b>	670 598	404 793	<b>1 075 391</b>
Devonport	654 019	641 661	<b>1 295 680</b>	1 497	- 2 556	- <b>1 059</b>	655 516	639 105	<b>1 294 621</b>
Dorset	674 387	920 223	<b>1 594 610</b>	1 596	- 4 115	- <b>2 519</b>	675 983	916 108	<b>1 592 091</b>
Flinders	346 879	369 332	<b>716 211</b>	674	- 1 623	- <b>949</b>	347 553	367 709	<b>715 262</b>
George Town	576 245	473 767	<b>1 050 012</b>	1 161	- 1 731	- <b>570</b>	577 406	472 036	<b>1 049 442</b>
Glamorgan Spring Bay	90 742	517 797	<b>608 539</b>	0	- 2 206	- <b>2 206</b>	90 742	515 591	<b>606 333</b>
Glenorchy	487 676	712 663	<b>1 200 339</b>	1 103	- 3 102	- <b>1 999</b>	488 779	709 561	<b>1 198 340</b>
Hobart	559 496	824 406	<b>1 383 902</b>	1 243	- 3 538	- <b>2 295</b>	560 739	820 868	<b>1 381 607</b>
Huon Valley	908 593	833 129	<b>1 741 722</b>	2 243	- 3 592	- <b>1 349</b>	910 836	829 537	<b>1 740 373</b>
Kentish	684 120	543 455	<b>1 227 575</b>	1 602	- 2 613	- <b>1 011</b>	685 722	540 842	<b>1 226 564</b>
King Island	410 707	511 102	<b>921 809</b>	868	- 2 282	- <b>1 414</b>	411 575	508 820	<b>920 395</b>
Kingborough	389 362	744 819	<b>1 134 181</b>	873	- 3 296	- <b>2 423</b>	390 235	741 523	<b>1 131 758</b>
Latrobe	463 109	386 075	<b>849 184</b>	1 059	- 1 696	- <b>637</b>	464 168	384 379	<b>848 547</b>
Launceston	688 840	1 511 752	<b>2 200 592</b>	1 562	- 6 371	- <b>4 809</b>	690 402	1 505 381	<b>2 195 783</b>
Meander Valley	959 160	1 077 537	<b>2 036 697</b>	2 355	- 4 745	- <b>2 390</b>	961 515	1 072 792	<b>2 034 307</b>
Northern Midlands	545 390	1 191 418	<b>1 736 808</b>	1 345	- 5 215	- <b>3 870</b>	546 735	1 186 203	<b>1 732 938</b>
Sorell	630 780	422 307	<b>1 053 087</b>	1 472	- 2 246	- <b>774</b>	632 252	420 061	<b>1 052 313</b>
Southern Midlands	873 131	817 642	<b>1 690 773</b>	1 856	- 3 613	- <b>1 757</b>	874 987	814 029	<b>1 689 016</b>
Tasman	223 250	253 990	<b>477 240</b>	491	- 1 204	- <b>713</b>	223 741	252 786	<b>476 527</b>
Waratah-Wynyard	826 823	698 855	<b>1 525 678</b>	1 896	- 3 125	- <b>1 229</b>	828 719	695 730	<b>1 524 449</b>
West Coast	675 072	436 225	<b>1 111 297</b>	1 404	- 1 596	- <b>192</b>	676 476	434 629	<b>1 111 105</b>
West Tamar	1 095 713	651 608	<b>1 747 321</b>	2 447	- 2 851	- <b>404</b>	1 098 160	648 757	<b>1 746 917</b>
<b>Total</b>	<b>18 084 978</b>	<b>20 207 308</b>	<b>38 292 286</b>	<b>40 773</b>	<b>- 88 265</b>	<b>- 47 492</b>	<b>18 125 751</b>	<b>20 119 043</b>	<b>38 244 794</b>



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# State Grants Commission

## 2020-21 Financial Assistance Grant

### Data Tables

**September 2020**

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This document provides tables of data used by the State Grants Commission (the Commission) in determining its 2020-21 Financial Assistance Grant (FA Grant) distributions, as well as some key results generated by the Commission's FA Grant Models. The tables do not form part of the Commission's Annual Report, but provide further information for those wishing to understand the Commission's 2020-21 FA Grant recommendations in greater detail.

The 2020-21 Data Tables are available from the Commission's website: <http://www.treasury.tas.gov.au/state-grants-commission/publications>.

Readers may also find the [State Grants Commission Financial Assistance Grant Distribution Methodology](https://www.treasury.tas.gov.au/state-grants-commission) paper a useful accompaniment to this publication. The Distribution Methodology paper is also available for download from the Commission website: <https://www.treasury.tas.gov.au/state-grants-commission>.

The Commission uses a range of data sources in its processes for determining how to allocate the FA Grants each year, one of which is the Local Government Division Consolidated Data Collection (CDC) from each council. The CDCs are required to be submitted by councils to the Local Government Division of the Department of Premier and Cabinet (LGD) by late September each year. After quality assurance review, LGD provides the annual CDC returns to the Commission for use in determining the allocation of FA Grant funding.

Due to problems with the implementation of a new shared finance and operating system in 2018-19, Latrobe and Kentish councils were unable to submit their 2018-19 CDC Returns by the due date. They have still not been received as at the time of this publication. In making the 2020-21 FA Grant Recommendations, the Commission has had to base its deliberations on the 2018-19 financial year CDC data in respect of 27 councils, and the 2017-18 CDC data for Kentish and Latrobe councils. This situation has not arisen before. As a result, the Commission has undertaken additional analysis work to consider the implications of the CDC data for these councils not having been updated. The Commission does not believe that the portion of information that has not been updated as a result of not receiving the 2018-19 CDC returns for these two councils has had a material impact on the FA Grant allocations for any council.

The CDC returns are available publicly at <http://listdata.thelist.tas.gov.au/opendata/> (the Listdata site). To access the returns individually, scroll to the bottom of the list of Open Data, and click on Tasmanian Local Government Consolidated Data Collection (CDC) drop down menu. The Listdata site provides historical CDC returns dating back to 2000-01.

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**TABLE I**  
**BASE GRANT, ROAD GRANT AND TOTAL POOL SHARES**

Council	Share of Base Grant			Share of Road Grant			Share of Total FAGs		
	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21	2018-19	2019-20	2020-21
	%	%	%	%	%	%	%	%	%
Break O'Day	3.7	3.5	3.4	4.0	3.9	3.9	3.8	3.7	3.7
Brighton	3.4	3.5	3.7	1.5	1.5	1.5	2.4	2.5	2.5
Burnie	3.1	3.1	3.3	3.0	3.0	3.0	3.0	3.0	3.1
Central Coast	5.7	5.7	6.0	4.7	4.9	4.9	5.2	5.3	5.4
Central Highlands	2.6	2.6	2.6	3.6	3.6	3.6	3.2	3.2	3.1
Circular Head	3.5	3.4	3.3	4.9	5.0	5.0	4.3	4.2	4.2
Clarence	3.2	3.2	3.2	4.0	4.1	4.1	3.6	3.7	3.7
Derwent Valley	3.8	3.9	3.8	2.3	2.3	2.2	3.0	3.1	2.9
Devonport	2.8	2.9	3.2	3.1	2.9	2.9	3.0	2.9	3.0
Dorset	4.3	4.2	4.0	4.6	4.7	4.6	4.5	4.4	4.3
Flinders	1.8	1.8	1.9	1.8	1.8	1.8	1.8	1.8	1.9
George Town	2.8	2.9	3.1	2.0	2.0	2.1	2.4	2.4	2.6
Glamorgan Spring Bay	0.8	0.7	0.6	2.5	2.5	2.5	1.7	1.6	1.6
Glenorchy	2.7	2.7	2.7	3.6	3.5	3.5	3.1	3.1	3.1
Hobart	3.0	3.0	3.1	4.2	4.0	4.0	3.6	3.6	3.5
Huon Valley	5.6	5.4	5.3	4.1	4.1	4.1	4.8	4.7	4.6
Kentish	4.3	4.2	4.0	2.9	3.0	3.0	3.5	3.5	3.4
King Island	2.3	2.4	2.3	2.5	2.6	2.6	2.4	2.5	2.4
Kingborough	2.1	2.1	2.2	3.7	3.7	3.8	2.9	3.0	3.0
Latrobe	2.3	2.4	2.5	1.9	1.9	1.9	2.1	2.1	2.2
Launceston	3.9	3.8	3.8	7.4	7.2	7.2	5.7	5.6	5.6
Meander Valley	5.9	5.6	5.4	5.4	5.4	5.4	5.6	5.5	5.4
Northern Midlands	3.1	3.1	3.0	5.9	5.9	5.9	4.6	4.6	4.5
Sorell	3.3	3.4	3.5	2.4	2.5	2.4	2.8	2.9	2.9
Southern Midlands	4.9	4.9	4.9	4.1	4.1	4.1	4.5	4.5	4.5
Tasman	1.3	1.3	1.3	1.3	1.4	1.4	1.3	1.3	1.3
Waratah-Wynyard	4.4	4.6	4.7	3.5	3.5	3.5	3.9	4.1	4.1
West Coast	3.7	3.7	3.7	1.9	1.8	1.8	2.7	2.7	2.7
West Tamar	5.7	5.7	5.8	3.2	3.2	3.2	4.4	4.4	4.5



**TABLE 2**  
**POPULATION OF LOCAL GOVERNMENT AREAS**

Council	Residential Population at 30 June *			
	2016	2017	2018	2019
Break O'Day	6 198	6 186	6 231	6 288
Brighton	16 669	16 959	17 289	17 675
Burnie	19 228	19 213	19 344	19 550
Central Coast	21 736	21 835	21 902	21 938
Central Highlands	2 169	2 148	2 144	2 130
Circular Head	8 104	8 090	8 066	8 078
Clarence	55 465	56 166	56 945	57 807
Derwent Valley	10 087	10 169	10 287	10 424
Devonport	25 128	25 217	25 413	25 633
Dorset	6 724	6 704	6 652	6 634
Flinders	939	957	987	1 010
George Town	6 873	6 918	6 932	6 968
Glamorgan Spring Bay	4 451	4 500	4 529	4 602
Glenorchy	46 722	47 241	47 645	47 969
Hobart	52 018	52 901	53 766	54 649
Huon Valley	16 563	16 875	17 221	17 561
Kentish	6 263	6 297	6 324	6 315
King Island	1 594	1 592	1 601	1 610
Kingborough	36 544	37 148	37 738	38 310
Latrobe	10 927	11 111	11 328	11 638
Launceston	66 518	66 855	67 473	68 007
Meander Valley	19 553	19 576	19 713	19 844
Northern Midlands	12 972	13 084	13 299	13 437
Sorell	14 482	14 774	15 216	15 603
Southern Midlands	6 083	6 052	6 117	6 290
Tasman	2 389	2 389	2 404	2 414
Waratah-Wynyard	13 813	13 756	13 797	13 828
West Coast	4 210	4 162	4 166	4 175
West Tamar	23 092	23 535	23 769	24 070
<b>Total</b>	<b>517 514</b>	<b>522 410</b>	<b>528 298</b>	<b>534 457</b>

Source: Australian Bureau of Statistics (ABS) Regional Population Growth, Cat. No. 3218.0.

\* The 2019 figures reflect the latest ABS preliminary estimates, the 2018 figures reflect the ABS final revised figures whereas earlier years are ABS revised population estimate figures following its rebasing of the intercensal error.

**TABLE 3**  
**MUNICIPAL PROPERTY VALUATIONS**

Data averaged for 1 July 2018 and 1 July 2019

<b>Council</b>	<b>Adjusted Rateable AAV *</b> <b>\$</b>	<b>Year of last revaluation</b> <b>(as at 1 July 2019)</b>
Break O'Day	75 986 745	2019
Brighton	120 811 492	2019
Burnie	162 163 099	2019
Central Coast	162 623 901	2019
Central Highlands	41 659 853	2015
Circular Head	95 301 015	2019
Clarence	564 295 607	2019
Derwent Valley	75 957 360	2017
Devonport	206 091 554	2015
Dorset	77 090 445	2017
Flinders	13 941 183	2017
George Town	58 628 228	2013
Glamorgan Spring Bay	88 480 975	2017
Glenorchy	413 451 570	2017
Hobart	880 152 838	2015
Huon Valley	148 712 141	2015
Kentish	51 051 921	2015
King Island	26 008 519	2017
Kingborough	355 470 176	2015
Latrobe	100 485 192	2015
Launceston	625 943 176	2017
Meander Valley	171 919 092	2019
Northern Midlands	151 031 711	2019
Sorell	132 206 104	2017
Southern Midlands	54 100 695	2015
Tasman	36 258 753	2017
Waratah-Wynyard	111 626 552	2017
West Coast	31 599 520	2015
West Tamar	176 026 243	2013
<b>Total</b>	<b>5 209 075 659</b>	

Source: Calculations based on data supplied by the Office of the Valuer-General.

\* Adjusted Rateable AAV is the average AAV from two years adjusted to include partially rateable properties as a fully rateable equivalent. The AAV used within the Commission assessments complies with the Valuation of Land Act 2001, and excludes any tax elements associated with goods and services tax (GST) and land tax.

**TABLE 4**  
**TOTAL ASSESSED REVENUES 2018-19**

Used as part of the 2020-21 Assessments\*

<b>Council</b>	<b>General Rates and Special Rates</b>	<b>Garbage Charges</b>	<b>User Fees (net of parking)</b>	<b>Other Revenue **</b>	<b>Total Assessed Revenue</b>
	\$	\$	\$	\$	\$
Break O'Day	7 166 903	1 801 113	983 382	343 412	10 294 810
Brighton	7 248 633	1 274 755	3 001 606	7 435	11 532 429
Burnie	16 990 090	3 863 154	4 153 694	- 356 111	24 650 827
Central Coast	13 266 752	1 723 673	4 465 104	1 584 704	21 040 233
Central Highlands	2 812 815	599 298	374 164	530 249	4 316 526
Circular Head	7 184 032	1 002 426	1 653 817	2 772 855	12 613 129
Clarence	39 656 809	4 885 091	5 404 024	49 264	49 995 188
Derwent Valley	6 167 000	1 016 000	1 951 368	- 241 045	8 893 323
Devonport	21 457 326	3 702 690	4 413 335	-1 102 166	28 471 185
Dorset	5 798 000	1 193 000	1 228 000	562 000	8 781 000
Flinders	1 698 409	0	918 165	198 620	2 815 194
George Town	6 974 967	976 994	289 143	748 312	8 989 416
Glamorgan Spring Bay	6 307 273	1 178 308	3 222 850	153 041	10 861 472
Glenorchy	34 256 574	3 878 147	7 944 046	10 940	46 089 707
Hobart	68 120 028	6 319 500	18 840 962	1 839 567	95 120 057
Huon Valley	11 455 002	1 201 932	5 729 680	534 366	18 920 980
Kentish <sup>+</sup>	4 355 345	606 969	312 229	404 606	5 679 149
King Island	2 051 019	389 772	2 275 887	591 501	5 308 179
Kingborough	24 194 192	2 831 556	7 303 445	- 108 494	34 220 699
Latrobe <sup>+</sup>	5 978 359	844 400	1 834 536	2 021 540	10 678 835
Launceston	56 277 339	3 626 332	17 191 998	4 143 351	81 239 021
Meander Valley	9 918 830	1 465 378	1 332 370	930 082	13 646 660
Northern Midlands	9 519 393	743 729	2 716 961	685 392	13 665 475
Sorell	11 132 864	2 196 687	1 911 151	93 090	15 333 792
Southern Midlands	4 920 467	273 798	983 347	1 053 971	7 231 583
Tasman	4 111 724	664 094	523 000	478 240	5 777 058
Waratah-Wynyard	8 894 484	1 851 677	3 166 929	133 074	14 046 164
West Coast	5 900 176	890 041	889 271	629 250	8 308 738
West Tamar	14 690 951	2 462 584	3 248 579	73 856	20 475 970
<b>Total</b>	<b>418 505 755</b>	<b>53 463 098</b>	<b>108 263 042</b>	<b>18 764 902</b>	<b>598 996 798</b>

Source: Tasmanian Local Government Division – Consolidated Data Collection 2018-19

+ Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

\* These are values for the 2018-19 year only. The Commission uses this data to calculate standardised revenues for each of the three base years (i.e. 2016-17, 2017-18 & 2018-19), the average of which is then used within the grant calculation.

\*\* Other Revenue is: Interest Received, Fines, Profit from Sale of Assets, Returns from Waste Management Authorities and Current Revenue NEC. Other revenue can be negative as it includes some offsets of revenue raised by Council, but not included by the Commission in its assessment of revenues.

**TABLE 5**  
**STANDARDISED REVENUE AND OTHER FINANCIAL SUPPORT 2018-19**

Used as part of the 2020-21 Assessments\*

Council	Standardised Revenue	Minimum Grant**	Other Financial Support Treated by Inclusion***
	\$	\$	\$
Break O'Day	8 737 792	131 251	2 555 507
Brighton	13 892 234	364 225	1 437 525
Burnie	18 647 296	407 484	2 488 851
Central Coast	18 700 284	461 315	3 540 801
Central Highlands	4 790 508	45 154	2 046 854
Circular Head	10 958 759	169 876	3 220 762
Clarence	64 888 914	1 199 305	4 403 746
Derwent Valley	8 734 413	216 715	1 566 003
Devonport	23 698 673	535 259	2 769 693
Dorset	8 864 707	140 096	2 814 967
Flinders	1 603 110	20 787	1 007 572
George Town	6 741 718	145 972	1 347 969
Glamorgan Spring Bay	10 174 515	95 363	1 715 268
Glenorchy	47 543 208	1 003 250	3 995 788
Hobart	101 209 651	1 130 626	4 539 540
Huon Valley	17 100 557	362 645	2 600 868
Kentish <sup>+</sup>	5 870 511	133 188	1 748 703
King Island	2 990 745	33 718	1 393 374
Kingborough	40 875 870	794 707	3 185 848
Latrobe <sup>+</sup>	11 554 892	238 597	1 595 317
Launceston	71 977 829	1 420 527	6 892 319
Meander Valley	19 769 148	415 171	3 551 799
Northern Midlands	17 367 287	280 108	3 709 868
Sorell	15 202 512	320 503	1 611 190
Southern Midlands	6 221 093	128 850	2 327 183
Tasman	4 169 430	50 630	702 553
Waratah-Wynyard	12 836 048	290 639	2 441 758
West Coast	3 633 660	87 760	1 318 902
West Tamar	20 241 433	500 593	2 401 078
<b>Total</b>	<b>598 996 798</b>	<b>11 124 314</b>	<b>74 931 606</b>

\* These are values for the 2018-19 year only. The Commission calculates a three year average of Standardised Revenue, Minimum Grant and Other Financial Support (i.e. 2016-17, 2017-18 & 2018-19) which is then used within the grant calculation.

+ Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

\*\* The Per Capita Minimum Grant for 2018-19 is also classed as Other Financial Support and treated by inclusion.

\*\*\* This amount includes funds allocated to the Roads to Recovery (R2R) program for 2018-19 and reflects the Commission's decision to assume that councils receive R2R funds in equal annual instalments over the funding period. This amount also includes Road Grants, Heavy Vehicle Motor Tax Revenue payments and dividends and other returns from TasWater.

**TABLE 6**  
**AVERAGE EXPENDITURE 2018-19**

Used as part of the 2020-21 Assessments\*

	General Admin- istration	Health Housing and Welfare	Law Order and Public Safety	Planning and Community Amenities	Waste Management and the Environment
Council	\$	\$	\$	\$	\$
Break O'Day	1 605 386	343 953	111 954	692 461	1 156 659
Brighton	4 512 596	966 821	314 693	1 946 446	3 251 264
Burnie	4 991 302	1 069 383	348 076	2 152 929	3 596 165
Central Coast	5 600 981	1 200 007	390 593	2 415 906	4 035 430
Central Highlands	543 809	116 511	37 923	234 565	391 807
Circular Head	2 062 391	441 866	143 824	889 584	1 485 924
Clarence	14 758 679	3 162 038	1 029 220	6 365 954	10 633 427
Derwent Valley	2 661 347	570 192	185 593	1 147 935	1 917 464
Devonport	6 544 350	1 402 123	456 381	2 822 815	4 715 115
Dorset	1 693 724	362 879	118 115	730 564	1 220 305
Flinders	257 863	55 247	17 982	111 226	185 787
George Town	1 778 997	381 149	124 061	767 346	1 281 743
Glamorgan Spring Bay	1 174 935	251 729	81 936	506 792	846 524
Glenorchy	12 246 944	2 623 900	854 060	5 282 551	8 823 756
Hobart***	13 952 412	2 989 296	972 994	6 018 181	10 052 522
Huon Valley	4 483 491	960 585	312 663	1 933 892	3 230 294
Kentish <sup>+</sup>	1 612 280	345 430	112 435	695 435	1 161 626
King Island	411 048	88 067	28 665	177 300	296 155
Kingborough	9 780 909	2 095 554	682 087	4 218 861	7 047 011
Latrobe <sup>+</sup>	2 971 293	636 598	207 208	1 281 626	2 140 776
Launceston	17 362 837	3 719 977	1 210 825	7 489 221	12 509 687
Meander Valley	5 066 363	1 085 465	353 311	2 185 306	3 650 245
Northern Midlands	3 430 594	735 003	239 238	1 479 740	2 471 696
Sorell	3 983 595	853 483	277 802	1 718 269	2 870 126
Southern Midlands	1 605 897	344 062	111 990	692 682	1 157 027
Tasman	616 317	132 046	42 980	265 840	444 048
Waratah-Wynyard	3 530 421	756 390	246 200	1 522 798	2 543 620
West Coast	1 065 917	228 372	74 333	459 769	767 979
West Tamar	6 145 301	1 316 627	428 552	2 650 691	4 427 605
<b>Total</b>	<b>136 451 978</b>	<b>29 234 755</b>	<b>9 515 697</b>	<b>58 856 686</b>	<b>98 311 788</b>

**TABLE 6**  
**AVERAGE EXPENDITURE 2018-19 (CONTINUED)**

Used as part of the 2020-21 Assessments\*

	Recreation and Culture	Other Non- Roads	Total Non- Roads	Roads "Average" **, ***	Total including Roads
Council	\$	\$	\$	\$	\$
Break O'Day	1 585 213	556 341	6 051 968	6 412 991	12 464 959
Brighton	4 455 891	1 563 823	17 011 536	2 898 956	19 910 492
Burnie	4 928 581	1 729 717	18 816 154	5 005 237	23 821 391
Central Coast	5 530 599	1 940 999	21 114 516	8 475 446	29 589 962
Central Highlands	536 976	188 455	2 050 046	6 261 045	8 311 091
Circular Head	2 036 475	714 714	7 774 777	7 109 059	14 883 836
Clarence	14 573 223	5 114 565	55 637 105	8 039 821	63 676 926
Derwent Valley	2 627 904	922 280	10 032 716	3 329 088	13 361 804
Devonport	6 462 114	2 267 920	24 670 817	4 891 653	29 562 470
Dorset	1 672 440	586 954	6 384 980	6 724 966	13 109 947
Flinders	254 622	89 361	972 088	2 860 608	3 832 696
George Town	1 756 642	616 505	6 706 443	3 752 847	10 459 290
Glamorgan Spring Bay	1 160 170	407 169	4 429 255	4 422 212	8 851 467
Glenorchy	12 093 049	4 244 132	46 168 393	6 565 736	52 734 129
Hobart	13 777 086	4 835 156	52 597 647	7 060 586	59 658 233
Huon Valley	4 427 152	1 553 737	16 901 815	6 793 381	23 695 196
Kentish <sup>+</sup>	1 592 020	558 729	6 077 955	4 625 890	10 703 845
King Island	405 883	142 447	1 549 566	3 653 417	5 202 983
Kingborough	9 658 003	3 389 537	36 871 962	6 995 178	43 867 140
Latrobe <sup>+</sup>	2 933 955	1 029 690	11 201 146	3 537 144	14 738 289
Launceston	17 144 656	6 017 025	65 454 229	12 177 020	77 631 249
Meander Valley	5 002 699	1 755 729	19 099 118	9 379 878	28 478 996
Northern Midlands	3 387 486	1 188 860	12 932 617	10 318 044	23 250 661
Sorell	3 933 537	1 380 500	15 017 312	4 441 131	19 458 443
Southern Midlands	1 585 717	556 518	6 053 893	7 282 051	13 335 944
Tasman	608 573	213 582	2 323 386	2 376 064	4 699 450
Waratah-Wynyard	3 486 057	1 223 454	13 308 940	5 874 437	19 183 377
West Coast	1 052 523	369 390	4 018 284	3 127 427	7 145 710
West Tamar	6 068 079	2 129 631	23 166 487	5 961 562	29 128 049
<b>Total</b>	<b>134 737 329</b>	<b>47 286 917</b>	<b>514 395 150</b>	<b>170 352 876</b>	<b>684 748 027</b>

\* These are values for the 2018-19 year only. The Commission uses average expenditure data to calculate adjusted expenditure for each council for the three base years (i.e. 2016-17, 2017-18 & 2018-19), which is then averaged and used within the grant calculation.

+ Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

\*\* "Average" Expenditure for Roads is not calculated in the Equalisation Model. These figures are the RPM outcomes modified by removal of cost adjusters and normalised to the total for all actual roads expenditure. This measure is included here to enable a complete comparison of average expenditure outcomes.

\*\*\*Excluded Expenditure - Roads expenditure excludes a material abnormal asset write off (\$67.4 million) by Hobart City Council relating to the transfer of Davey and Macquarie Streets, Hobart to the Department of State Growth in 2018-19.

**TABLE 7**  
**ADJUSTED EXPENDITURE 2018-19**

Used as part of the 2020-21 Assessments\*

	General Administration	Health Housing and Welfare	Law Order and Public Safety	Planning and Community Amenities	Waste Management and the Environment
Council	\$	\$	\$	\$	\$
Break O'Day	2 856 489	343 697	119 836	1 042 089	1 584 571
Brighton	4 678 426	966 100	299 669	1 894 211	2 983 894
Burnie	5 283 996	1 068 586	334 534	2 180 869	3 468 938
Central Coast	5 739 687	1 199 112	385 932	2 400 250	3 906 427
Central Highlands	1 427 914	120 883	47 187	459 056	738 139
Circular Head	3 102 944	444 537	145 363	1 089 834	1 695 456
Clarence	10 924 639	3 159 682	1 029 292	5 381 329	9 531 510
Derwent Valley	3 356 872	569 767	181 323	1 224 134	1 950 295
Devonport	6 319 691	1 401 078	438 160	2 787 444	4 426 725
Dorset	2 756 011	372 934	129 140	989 697	1 582 977
Flinders	859 734	55 206	17 765	201 434	297 542
George Town	2 745 325	380 865	124 245	974 098	1 502 413
Glamorgan Spring Bay	2 332 671	251 541	105 447	892 924	1 452 266
Glenorchy	9 448 550	2 621 945	812 125	4 707 985	7 661 441
Hobart	10 627 638	2 987 068	936 841	5 249 935	9 640 528
Huon Valley	5 051 851	959 869	327 885	2 116 078	3 541 374
Kentish <sup>+</sup>	2 450 062	345 173	115 362	813 875	1 323 111
King Island	1 163 064	88 001	27 846	294 383	409 028
Kingborough	8 396 892	2 093 992	686 008	3 706 654	6 726 424
Latrobe <sup>+</sup>	3 785 024	636 123	208 337	1 385 643	2 309 166
Launceston	12 567 838	3 717 205	1 182 456	6 847 587	11 367 630
Meander Valley	5 292 914	1 084 656	382 089	2 328 528	3 895 479
Northern Midlands	4 039 704	734 455	246 115	1 571 679	2 619 869
Sorell	4 651 590	852 847	278 477	1 806 035	3 052 999
Southern Midlands	2 494 255	343 806	125 445	894 106	1 437 023
Tasman	1 510 167	131 947	48 241	464 987	745 152
Waratah-Wynyard	4 272 870	755 827	246 877	1 679 405	2 670 242
West Coast	2 137 422	232 206	87 376	812 932	1 227 097
West Tamar	6 177 737	1 315 646	446 325	2 659 504	4 564 072
<b>Total</b>	<b>136 451 978</b>	<b>29 234 755</b>	<b>9 515 697</b>	<b>58 856 686</b>	<b>98 311 788</b>

**TABLE 7**  
**ADJUSTED EXPENDITURE 2018-19 (CONTINUED)**

Used as part of the 2020-21 Assessments\*

	Recreation and Culture	Other Non- Roads	Total Non- Roads	Roads	Total including Roads
Council	\$	\$	\$	\$	\$
Break O'Day	2 153 121	556 341	8 656 144	6 712 658	15 368 802
Brighton	3 606 572	1 563 823	15 992 696	2 578 147	18 570 843
Burnie	4 889 402	1 729 717	18 956 042	5 106 036	24 062 078
Central Coast	4 922 403	1 940 999	20 494 811	8 292 462	28 787 272
Central Highlands	970 944	188 455	3 952 580	6 192 392	10 144 972
Circular Head	2 265 958	714 714	9 458 806	8 475 597	17 934 402
Clarence	12 957 768	5 114 565	48 098 784	7 056 918	55 155 703
Derwent Valley	2 414 995	922 280	10 619 665	3 688 322	14 307 988
Devonport	6 183 389	2 267 920	23 824 406	4 932 127	28 756 533
Dorset	2 050 260	586 954	8 467 972	7 898 671	16 366 643
Flinders	437 623	89 361	1 958 665	3 132 851	5 091 515
George Town	1 923 961	616 505	8 267 410	3 578 353	11 845 763
Glamorgan Spring Bay	1 912 831	407 169	7 354 850	4 274 808	11 629 658
Glenorchy	10 443 660	4 244 132	39 939 839	6 021 551	45 961 390
Hobart	13 042 464	4 835 156	47 319 629	6 747 092	54 066 721
Huon Valley	4 419 006	1 553 737	17 969 802	6 968 554	24 938 356
Kentish <sup>+</sup>	1 683 000	558 729	7 289 313	5 032 356	12 321 669
King Island	642 786	142 447	2 767 556	4 382 767	7 150 323
Kingborough	8 104 072	3 389 537	33 103 580	6 388 957	39 492 536
Latrobe <sup>+</sup>	2 907 746	1 029 690	12 261 729	3 274 124	15 535 853
Launceston	21 247 724	6 017 025	62 947 466	12 304 449	75 251 914
Meander Valley	4 902 199	1 755 729	19 641 594	9 145 838	28 787 432
Northern Midlands	3 265 038	1 188 860	13 665 719	10 046 093	23 711 812
Sorell	3 765 434	1 380 500	15 787 882	4 160 332	19 948 214
Southern Midlands	1 861 480	556 518	7 712 632	6 944 653	14 657 285
Tasman	985 636	213 582	4 099 711	2 316 012	6 415 723
Waratah-Wynyard	3 413 753	1 223 454	14 262 428	6 032 051	20 294 479
West Coast	1 687 063	369 390	6 553 486	3 139 269	9 692 755
West Tamar	5 677 041	2 129 631	22 969 956	5 529 435	28 499 391
<b>Total</b>	<b>134 737 329</b>	<b>47 286 917</b>	<b>514 395 150</b>	<b>170 352 876</b>	<b>684 748 027</b>

\* These are the values for 2018-19 only. The grant calculations use an average of the most recent three years' values (i.e. 2016-17, 2017-18 & 2018-19)

+ Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.



**TABLE 8**  
**BASE GRANT MODEL COST ADJUSTORS 2018-19**

Used as part of the 2020-21 Assessments\*

<b>Council</b>	<b>Absentee Population</b>	<b>Climate</b>	<b>Dispersion</b>	<b>Isolation</b>	<b>Population Decline</b>	<b>Regional Responsibility</b>
Break O'Day	1.18	1.00	1.05	1.09	1.00	0.90
Brighton	0.96	1.00	0.96	0.99	1.00	0.90
Burnie	0.99	1.00	0.96	1.02	1.00	1.01
Central Coast	0.99	1.00	0.99	1.02	1.00	0.90
Central Highlands	1.34	1.00	1.15	1.02	1.04	0.90
Circular Head	1.04	1.00	1.00	1.07	1.01	0.90
Clarence	0.97	1.00	1.01	0.98	1.00	1.01
Derwent Valley	0.98	1.00	0.98	1.00	1.00	0.90
Devonport	0.98	1.00	0.96	1.01	1.00	1.01
Dorset	1.09	1.00	1.05	1.03	1.03	0.90
Flinders	1.12	1.00	0.98	1.22	1.00	0.90
George Town	1.06	1.00	1.00	1.02	1.00	0.90
Glamorgan Spring Bay	1.26	1.00	1.20	1.03	1.00	0.90
Glenorchy	0.97	1.00	0.96	0.98	1.00	1.01
Hobart	0.99	1.00	0.96	0.98	1.00	1.01
Huon Valley	1.03	1.00	1.05	1.00	1.00	0.90
Kentish	0.99	1.00	1.01	1.02	1.00	0.90
King Island	1.04	1.00	0.97	1.30	1.00	0.90
Kingborough	1.00	1.00	1.01	0.98	1.00	0.90
Latrobe	1.02	1.00	1.00	1.01	1.00	0.90
Launceston	0.98	1.00	0.98	0.99	1.00	1.34
Meander Valley	0.98	1.00	1.08	1.01	1.00	0.90
Northern Midlands	0.99	1.00	1.03	1.00	1.00	0.90
Sorell	1.04	1.00	1.01	0.99	1.00	0.90
Southern Midlands	1.00	1.00	1.12	1.03	1.00	0.90
Tasman	1.28	1.00	1.04	1.04	1.00	0.90
Waratah-Wynyard	1.01	1.00	1.01	1.03	1.00	0.90
West Coast	1.14	1.10	1.10	1.10	1.02	0.90
West Tamar	1.01	1.00	1.05	1.00	1.00	0.90

**TABLE 8**  
**BASE GRANT MODEL COST ADJUSTORS 2018-19 (CONTINUED)**

Used as part of the 2020-21 Assessments\*

Council	Scale - Admin	Scale - Other	SEIFA (IRSD)	Tourism	Worker Influx
Break O'Day	1.52	1.13	1.05	1.02	1.00
Brighton	1.09	1.02	1.07	0.99	0.99
Burnie	1.06	1.01	1.03	1.00	1.00
Central Coast	1.02	1.00	1.01	1.00	0.99
Central Highlands	2.23	1.31	1.05	1.06	1.00
Circular Head	1.39	1.10	1.01	1.01	1.00
Clarence	0.79	0.95	0.97	0.99	0.98
Derwent Valley	1.28	1.07	1.05	1.00	0.99
Devonport	0.98	0.99	1.04	1.00	1.00
Dorset	1.48	1.12	1.03	1.02	1.00
Flinders	3.00	1.50	0.99	1.01	1.00
George Town	1.46	1.12	1.08	1.00	1.00
Glamorgan Spring Bay	1.69	1.17	1.01	1.09	1.00
Glenorchy	0.82	0.96	1.04	0.99	1.00
Hobart	0.80	0.95	0.94	1.01	1.06
Huon Valley	1.09	1.02	1.00	1.00	0.99
Kentish	1.51	1.13	1.01	1.02	0.99
King Island	2.49	1.37	0.98	1.00	1.00
Kingborough	0.87	0.97	0.94	0.99	0.98
Latrobe	1.24	1.06	0.99	1.00	0.99
Launceston	0.76	0.94	1.02	1.00	1.01
Meander Valley	1.05	1.01	0.99	1.00	0.99
Northern Midlands	1.18	1.05	1.00	1.00	0.99
Sorell	1.14	1.03	1.00	0.99	0.99
Southern Midlands	1.52	1.13	1.02	1.00	0.99
Tasman	2.13	1.28	1.03	1.08	1.00
Waratah-Wynyard	1.17	1.04	1.03	1.00	0.99
West Coast	1.75	1.19	1.07	1.06	1.00
West Tamar	0.99	1.00	0.97	0.99	0.98

\* These are the cost adjustors applied to 2018-19 average expenditure only. Cost adjustors are calculated for each data year and applied to the average expenditures to calculate adjusted expenditure.

**TABLE 9**  
**BASE GRANT MODEL COST ADJUSTOR IMPACTS**

	General Admin- istration	Health Housing and Welfare	Law Order and Public Safety	Planning and Community Amenities	Waste Management and the Environment
Council	\$	\$	\$	\$	\$
Break O'Day	+1 251 103	- 256	+ 7 882	+ 349 628	+ 427 912
Brighton	+ 165 830	- 721	- 15 024	- 52 235	- 267 370
Burnie	+ 292 694	- 797	- 13 543	+ 27 939	- 127 227
Central Coast	+ 138 706	- 894	- 4 661	- 15 656	- 129 004
Central Highlands	+ 884 105	+ 4 372	+ 9 264	+ 224 492	+ 346 332
Circular Head	+1 040 554	+ 2 671	+ 1 539	+ 200 250	+ 209 532
Clarence	-3 834 040	- 2 357	+ 72	- 984 624	-1 101 917
Derwent Valley	+ 695 525	- 425	- 4 270	+ 76 198	+ 32 831
Devonport	- 224 659	- 1 045	- 18 221	- 35 371	- 288 390
Dorset	+1 062 287	+ 10 055	+ 11 025	+ 259 132	+ 362 672
Flinders	+ 601 871	- 41	- 218	+ 90 208	+ 111 755
George Town	+ 966 328	- 284	+ 184	+ 206 752	+ 220 670
Glamorgan Spring Bay	+1 157 737	- 188	+ 23 511	+ 386 132	+ 605 742
Glenorchy	-2 798 394	- 1 956	- 41 935	- 574 566	-1 162 315
Hobart	-3 324 774	- 2 228	- 36 153	- 768 246	- 411 994
Huon Valley	+ 568 360	- 716	+ 15 221	+ 182 186	+ 311 080
Kentish	+ 837 782	- 257	+ 2 927	+ 118 440	+ 161 486
King Island	+ 752 015	- 66	- 819	+ 117 083	+ 112 874
Kingborough	-1 384 017	- 1 562	+ 3 921	- 512 207	- 320 587
Latrobe	+ 813 731	- 474	+ 1 129	+ 104 017	+ 168 390
Launceston	-4 794 998	- 2 773	- 28 369	- 641 634	-1 142 057
Meander Valley	+ 226 552	- 809	+ 28 778	+ 143 222	+ 245 233
Northern Midlands	+ 609 110	- 548	+ 6 877	+ 91 939	+ 148 172
Sorell	+ 667 995	- 636	+ 674	+ 87 766	+ 182 874
Southern Midlands	+ 888 358	- 256	+ 13 455	+ 201 424	+ 279 996
Tasman	+ 893 850	- 98	+ 5 261	+ 199 147	+ 301 104
Waratah-Wynyard	+ 742 450	- 564	+ 677	+ 156 607	+ 126 622
West Coast	+1 071 505	+ 3 834	+ 13 042	+ 353 164	+ 459 118
West Tamar	+ 32 436	- 981	+ 17 772	+ 8 813	+ 136 467
<b>Sum Redistributed</b>	<b>16 360 882</b>	<b>20 932</b>	<b>163 213</b>	<b>3 584 540</b>	<b>4 950 861</b>

**TABLE 9**  
**BASE GRANT MODEL COST ADJUSTOR IMPACTS (CONTINUED)**

	Recreation and Culture	Other	Total Expenditure Effect	Impact on Non-Roads Expenditure	Rank - Impact on Non- Roads Exp
Council	\$	\$	\$	%	
Break O'Day	+ 567 907	+ 0	<b>+2 604 176</b>	<b>+43.0%</b>	7
Brighton	- 849 319	+ 0	<b>-1 018 839</b>	<b>-6.0%</b>	25
Burnie	- 39 179	+ 0	<b>+ 139 888</b>	<b>+0.7%</b>	20
Central Coast	- 608 196	+ 0	<b>- 619 705</b>	<b>-2.9%</b>	22
Central Highlands	+ 433 968	+ 0	<b>+1 902 533</b>	<b>+92.8%</b>	2
Circular Head	+ 229 483	+ 0	<b>+1 684 029</b>	<b>+21.7%</b>	11
Clarence	-1 615 454	+ 0	<b>-7 538 321</b>	<b>-13.5%</b>	29
Derwent Valley	- 212 909	+ 0	<b>+ 586 950</b>	<b>+5.9%</b>	16
Devonport	- 278 725	+ 0	<b>- 846 411</b>	<b>-3.4%</b>	23
Dorset	+ 377 820	+ 0	<b>+2 082 992</b>	<b>+32.6%</b>	8
Flinders	+ 183 001	+ 0	<b>+ 986 577</b>	<b>+101.5%</b>	1
George Town	+ 167 318	+ 0	<b>+1 560 967</b>	<b>+23.3%</b>	10
Glamorgan Spring Bay	+ 752 661	+ 0	<b>+2 925 594</b>	<b>+66.1%</b>	5
Glenorchy	-1 649 389	+ 0	<b>-6 228 555</b>	<b>-13.5%</b>	28
Hobart	- 734 623	+ 0	<b>-5 278 018</b>	<b>-10.0%</b>	26
Huon Valley	- 8 145	+ 0	<b>+1 067 987</b>	<b>+6.3%</b>	15
Kentish	+ 90 980	+ 0	<b>+1 211 358</b>	<b>+19.9%</b>	12
King Island	+ 236 902	+ 0	<b>+1 217 990</b>	<b>+78.6%</b>	3
Kingborough	-1 553 930	+ 0	<b>-3 768 382</b>	<b>-10.2%</b>	27
Latrobe	- 26 209	+ 0	<b>+1 060 584</b>	<b>+9.5%</b>	13
Launceston	+4 103 068	+ 0	<b>-2 506 763</b>	<b>-3.8%</b>	24
Meander Valley	- 100 500	+ 0	<b>+ 542 475</b>	<b>+2.8%</b>	19
Northern Midlands	- 122 448	+ 0	<b>+ 733 102</b>	<b>+5.7%</b>	17
Sorell	- 168 103	+ 0	<b>+ 770 570</b>	<b>+5.1%</b>	18
Southern Midlands	+ 275 763	+ 0	<b>+1 658 739</b>	<b>+27.4%</b>	9
Tasman	+ 377 063	+ 0	<b>+1 776 326</b>	<b>+76.5%</b>	4
Waratah-Wynyard	- 72 304	+ 0	<b>+ 953 488</b>	<b>+7.2%</b>	14
West Coast	+ 634 540	+ 0	<b>+2 535 202</b>	<b>+63.1%</b>	6
West Tamar	- 391 038	+ 0	<b>- 196 531</b>	<b>-0.8%</b>	21
<b>Sum Redistributed</b>	<b>8 430 474</b>	<b>0</b>	<b>28 001 526</b>	<b>+0.0%</b>	

**TABLE 10**  
**LENGTH OF LOCAL GOVERNMENT ROADS AS AT 1 OCTOBER 2019**

<b>Council</b>	<b>Urban Sealed km</b>	<b>Rural Sealed km</b>	<b>Unsealed km</b>	<b>Total Roads km</b>
Break O'Day	98	134	319	551
Brighton	79	81	28	188
Burnie	129	172	47	348
Central Coast	146	408	122	676
Central Highlands	28	90	621	739
Circular Head	36	265	465	766
Clarence	270	164	45	479
Derwent Valley	32	65	236	333
Devonport	176	79	13	268
Dorset	52	192	438	682
Flinders	5	75	266	346
George Town	88	107	79	274
Glamorgan Spring Bay	79	94	206	379
Glenorchy	259	40	20	319
Hobart	280	19	6	305
Huon Valley	52	139	518	709
Kentish <sup>+</sup>	23	250	198	471
King Island	12	74	356	442
Kingborough	149	135	262	546
Latrobe <sup>+</sup>	60	168	60	288
Launceston	387	155	212	754
Meander Valley	115	448	260	823
Northern Midlands	108	465	387	960
Sorell	95	110	139	344
Southern Midlands	32	167	613	812
Tasman	44	35	129	208
Waratah-Wynyard	73	216	250	539
West Coast	94	28	69	191
West Tamar	125	192	152	469
<b>Total</b>	<b>3 125</b>	<b>4 568</b>	<b>6 516</b>	<b>14 208</b>

Source: Tasmanian Local Government Division – Consolidated Data Collection 2018-19. Local road lengths are annually updated by councils to reflect additions, deletions and changes in road status.

<sup>+</sup> Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

**TABLE 11**  
**BRIDGE DECK AREA BY CONSTRUCTION TYPE**

Council	BRIDGE DECK AREA (m <sup>2</sup> )*						Total
	CON	STL	TIM	Other	RCP	RBC	
Break O'Day	5 535	258	1 330	186	494	358	8 160
Brighton	560	0	739	0	99	94	1 493
Burnie	1 511	0	102	54	115	274	2 056
Central Coast	4 867	36	409	833	151	170	6 466
Central Highlands	2 905	36	220	138	167	210	3 676
Circular Head	3 930	14	823	271	259	86	5 383
Clarence	890	26	0	0	241	176	1 334
Derwent Valley	2 700	0	56	913	61	119	3 849
Devonport	757	0	195	207	18	26	1 203
Dorset	4 988	221	1 684	0	103	140	7 134
Flinders	1 179	0	0	0	288	0	1 467
George Town	2 030	0	129	381	40	124	2 704
Glamorgan Spring Bay	1 831	106	900	0	109	63	3 008
Glenorchy	2 220	51	189	79	406	100	3 044
Hobart	4 958	1 464	77	1 626	0	0	8 126
Huon Valley	7 028	0	384	0	450	345	8 206
Kentish <sup>+</sup>	3 871	0	375	134	62	138	4 580
King Island	466	50	76	420	0	22	1 034
Kingborough	2 865	0	231	99	89	485	3 769
Latrobe <sup>+</sup>	721	304	584	0	133	225	1 967
Launceston	6 569	0	72	55	239	593	7 528
Meander Valley	7 179	0	851	1 015	74	398	9 516
Northern Midlands	10 080	88	244	0	285	423	11 121
Sorell	2 911	116	230	0	149	445	3 850
Southern Midlands	6 153	0	583	130	538	47	7 452
Tasman	979	36	148	0	190	223	1 576
Waratah-Wynyard	4 516	15	0	977	20	79	5 607
West Coast	1 330	36	700	511	59	119	2 755
West Tamar	3 210	55	35	0	131	334	3 766
<b>Total</b>	<b>98 738</b>	<b>2 912</b>	<b>11 367</b>	<b>8 026</b>	<b>4 969</b>	<b>5 816</b>	<b>131 828</b>

Source: Tasmanian Local Government Division – Consolidated Data Collection 2018-19. Local bridge deck areas and bridge types are annually updated by councils to reflect additions, deletions and changes in status.

<sup>+</sup> Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

\* Refer Table 12 for details of bridge and culvert type codes

**TABLE 12**  
**CALCULATION OF PRESERVATION COST/KM PER ANNUM FOR ALL ROAD CLASSES**

	Life Span yrs	March 2020 Index Cost/km/p a	Times Applied	Resurf Weight %	Lifetime Cost \$	Annual Cost \$	Rehab Weight %	\$
	a	b	c	d	e=bcd	f=e/ma x a	g	h=Σfg
<b>URBAN SEALED</b>								
<b>Heavy Patch &amp; Asphalt Overlay</b>	44	609 064	1		609 064	13 842		
1 Coat Spray Seal	15	52 439	2	51%	53 488	1 216		
30mm Asphalt Layer	26	249 806	1	37%	92 428	2 101		
Slurry Seal	13	93 342	3	12%	33 603	764		
Other Maintenance	4	4 356	10		43 556	990		
					832 138	18 912	58%	10 969
<b>Removal &amp; Replacement</b>	71	1 520 376	1		1 520 376	21 414		
1 Coat Spray Seal	15	52 439	4	51%	106 976	1 507		
30mm Asphalt Layer	26	249 806	2	37%	184 856	2 604		
Slurry Seal	13	93 342	5	12%	56 005	789		
Other Maintenance	4	4 356	17		74 044	1 043		
					1 942 257	27 356	38%	10 395
<b>Structural Asphalt Layer</b>	44	722 075	1		722 075	16 411		
1 Coat Spray Seal	15	52 439	2	51%	53 488	1 216		
30mm Asphalt Layer	26	249 806	1	37%	92 428	2 101		
Slurry Seal	13	93 342	3	12%	33 603	764		
Other Maintenance	4	4 356	10		43 556	990		
					945 149	21 481	4%	859
<b>Cost/km pa</b>								<b>\$ 22 224</b>
<b>RURAL SEALED</b>								
<b>Scarify &amp; Overlay</b>	54	324 877	1		324 877	6 016		
1 Coat Spray Seal	15	43 450	3	100%	130 349	2 414		
Other Maintenance	5	3 257	10		32 572	603		
					487 797	9 033	79%	7 136
<b>Removal &amp; Replacement</b>	70	507 717	1		507 717	7 253		
1 Coat Spray Seal	15	43 450	4	100%	173 798	2 483		
Other Maintenance	5	3 257	13		42 343	605		
					723 859	10 341	21%	2 172
<b>Cost/km pa</b>								<b>\$ 9 308</b>
<b>UNSEALED</b>								
Resheeting	8	37 284	1	100%	37 284	4 661		
Regrading	1	1 263	7		8 838	1 105		
Other Maintenance	2	2 149	3		6 448	806		
R&R Culverts	72	46 337	0		5 149	644		
					57 718	7 215	100%	7 215
<b>Cost/km pa</b>								<b>\$ 7 215</b>

Source: State Grants Commission

**TABLE 13**  
**CALCULATION OF PRESERVATION COST/M<sup>2</sup> PER ANNUM FOR ALL BRIDGE & CULVERT TYPES**

March 2020 Index

	Life Span	Cost/m <sup>2</sup>	Times Applied	Lifetime Cost/m <sup>2</sup>	Annual Cost/m <sup>2</sup>
<b>BRIDGES/CULVERTS</b>	yrs	\$		\$	\$
	a	b	c	d=bc	e=d/max a
<b>CONCRETE (CON)</b>	89	3 121	1	3 121	35
Other Maintenance	1	22	89	1 946	22
				5 067	<b>\$ 57 /m<sup>2</sup>/pa</b>
<b>STEEL (STL)</b>	85	3 121	1	3 121	37
Other Maintenance	1	14	85	1 208	14
				4 329	<b>\$ 51 /m<sup>2</sup>/pa</b>
<b>TIMBER (TIM)</b>	24	2 453	1	2 453	102
Other Maintenance	1	37	24	892	37
				3 345	<b>\$ 139 /m<sup>2</sup>/pa</b>
<b>CONCRETE &amp; TIMBER (OTHER)</b>	37	3 373	1	3 373	91
Other Maintenance	1	11	37	405	11
				3 777	<b>\$ 102 /m<sup>2</sup>/pa</b>
<b>REINFORCED CONCRETE PIPE (RCP)</b>	80	4 363	1	4 363	55
Other Maintenance	1	48	80	3 849	48
				8 211	<b>\$ 103 /m<sup>2</sup>/pa</b>
<b>REINFORCED BOX CULVERT (RBC)</b>	86	3 900	1	3 900	45
Other Maintenance	1	20	86	1 693	20
				5 593	<b>\$ 65 /m<sup>2</sup>/pa</b>

Source: State Grants Commission



**TABLE 14**  
**ROAD PRESERVATION MODEL COST ADJUSTORS 2018-19\***

Used as part of the 2020-21 Assessments\*

Council	URBAN SEALED ROADS			RURAL SEALED ROADS		
	Rainfall	Terrain	Traffic	Rainfall	Terrain	Traffic
Break O'Day	1.00	1.00	0.93	1.01	1.04	1.04
Brighton	0.95	1.00	0.97	0.96	1.02	0.96
Burnie	1.05	1.00	0.95	1.05	1.02	1.03
Central Coast	1.03	1.00	0.96	1.05	1.03	1.00
Central Highlands	0.95	1.00	0.93	0.98	1.03	0.98
Circular Head	1.04	1.00	1.11	1.05	1.05	1.25
Clarence	0.96	1.00	0.95	0.96	1.03	0.96
Derwent Valley	0.99	1.00	1.00	1.00	1.02	1.11
Devonport	1.00	1.00	1.00	1.03	1.02	1.02
Dorset	1.03	1.00	0.95	1.03	1.03	1.10
Flinders	1.00	1.00	0.93	1.00	1.06	0.98
George Town	1.00	1.00	0.94	1.00	1.04	1.04
Glamorgan Spring Bay	1.00	1.00	0.93	0.99	1.04	0.96
Glenorchy	0.99	1.00	0.95	1.01	1.02	0.96
Hobart	1.00	1.01	0.97	1.04	1.02	0.96
Huon Valley	1.01	1.00	0.94	1.01	1.02	0.99
Kentish	1.04	1.00	1.00	1.05	1.02	1.00
King Island	1.00	1.00	0.94	1.03	1.05	0.99
Kingborough	1.00	1.00	0.94	1.02	1.02	0.97
Latrobe	1.00	1.00	0.93	1.00	1.03	0.98
Launceston	1.00	1.00	0.99	1.02	1.02	1.00
Meander Valley	1.01	1.00	0.94	1.02	1.05	0.99
Northern Midlands	0.98	1.00	0.95	0.98	1.06	1.00
Sorell	0.97	1.00	0.94	0.98	1.02	0.97
Southern Midlands	0.95	1.00	0.94	0.97	1.03	0.97
Tasman	1.00	1.00	0.93	1.00	1.02	1.01
Waratah-Wynyard	1.05	1.00	0.99	1.05	1.03	1.01
West Coast	1.05	1.00	0.93	1.05	1.03	0.96
West Tamar	1.00	1.00	0.94	1.00	1.03	0.99

**TABLE 14**  
**ROADS PRESERVATION MODEL COST ADJUSTORS 2018-19\* CONTINUED**

Used as part of the 2020-21 Assessments\*

Council	UNSEALED ROADS		ALL ROADS	
	Rainfall	Terrain	Traffic	Remoteness
Break O'Day	1.02	1.04	1.01	1.10
Brighton	1.03	1.02	0.92	1.01
Burnie	1.05	1.02	1.07	1.00
Central Coast	1.05	1.02	0.93	1.01
Central Highlands	1.02	1.03	0.98	1.04
Circular Head	1.05	1.05	1.01	1.05
Clarence	1.04	1.03	0.92	1.00
Derwent Valley	1.01	1.02	1.22	1.02
Devonport	1.04	1.04	0.91	1.00
Dorset	1.03	1.03	1.25	1.05
Flinders	1.00	1.06	0.94	1.16
George Town	1.00	1.03	0.94	1.03
Glamorgan Spring Bay	1.01	1.04	0.91	1.08
Glenorchy	1.02	1.02	0.91	1.01
Hobart	1.02	1.03	0.91	1.00
Huon Valley	1.02	1.02	1.06	1.04
Kentish <sup>+</sup>	1.05	1.02	1.23	1.02
King Island	1.02	1.06	1.00	1.20
Kingborough	1.02	1.02	0.92	1.01
Latrobe <sup>+</sup>	1.00	1.03	0.93	1.01
Launceston	1.03	1.02	1.25	1.00
Meander Valley	1.03	1.03	0.91	1.03
Northern Midlands	1.02	1.03	0.96	1.03
Sorell	1.01	1.02	1.08	1.02
Southern Midlands	1.02	1.03	0.93	1.05
Tasman	1.00	1.03	0.98	1.06
Waratah-Wynyard	1.05	1.02	1.04	1.01
West Coast	1.05	1.04	0.91	1.08
West Tamar	1.01	1.03	0.93	1.01

\*The Roads Preservation Model uses the latest year's data only (i.e. 2018-19). The cost adjustors are applied to the total unadjusted asset preservation cost for each road type.

+ Due to the non-receipt of the Kentish and Latrobe Council 2018-19 CDC returns, the Commission has used the 2017-18 CDC returns for that data component being sourced from the CDC returns for these councils.

**TABLE 15**  
**ROAD PRESERVATION MODEL COST ADJUSTOR IMPACTS 2018-19**

	Urban Sealed	Rural Sealed	Unsealed	Total Exp Effect	Total Exp Effect on Unadjusted Total Cost (UTC)	Rank - Impact on Unadjusted Total Cost (UTC)
<b>Council</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		
Break O'Day	+ 66 824	+ 240 085	+ 385 731	+ 692 640	+12.1%	7
Brighton	- 120 340	- 32 665	- 3 274	- 156 280	-5.8%	28
Burnie	+ 208 781	+ 159 248	+ 47 238	+ 415 267	+8.6%	10
Central Coast	+ 6 436	+ 313 636	+ 14 664	+ 334 735	+4.2%	15
Central Highlands	- 44 302	+ 23 726	+ 334 382	+ 313 805	+5.3%	14
Circular Head	+ 163 472	+ 987 396	+ 563 753	+1 714 621	+25.9%	2
Clarence	- 465 888	- 66 712	- 1 378	- 533 978	-6.8%	29
Derwent Valley	+ 9 229	+ 89 490	+ 461 806	+ 560 524	+18.6%	4
Devonport	+ 291 290	+ 54 882	- 1 604	+ 344 568	+7.3%	13
Dorset	+ 29 383	+ 374 180	+1 123 117	+1 526 679	+25.1%	3
Flinders	+ 10 569	+ 144 971	+ 312 924	+ 468 464	+17.2%	5
George Town	- 58 001	+ 106 681	+ 2 451	+ 51 131	+1.5%	22
Glamorgan Spring Bay	+ 21 343	+ 70 637	+ 51 216	+ 143 196	+3.5%	19
Glenorchy	- 149 175	- 567	- 5 609	- 155 351	-2.5%	26
Hobart	+ 115 571	+ 3 476	- 1 765	+ 117 282	+1.8%	20
Huon Valley	- 14 495	+ 73 530	+ 523 127	+ 582 162	+9.4%	9
Kentish	+ 32 843	+ 188 983	+ 453 999	+ 675 824	+15.8%	6
King Island	+ 36 507	+ 185 266	+ 719 440	+ 941 213	+26.7%	1
Kingborough	- 164 660	+ 21 712	- 48 651	- 191 598	-2.9%	27
Latrobe	- 80 141	+ 37 896	- 11 936	- 54 180	-1.6%	25
Launceston	+ 345 030	+ 61 556	+ 464 202	+ 870 788	+7.5%	12
Meander Valley	- 43 117	+ 367 307	+ 18 852	+ 343 042	+4.0%	16
Northern Midlands	- 73 620	+ 294 835	+ 139 489	+ 360 704	+3.8%	18
Sorell	- 150 337	- 7 089	+ 134 867	- 22 558	-0.5%	23
Southern Midlands	- 40 389	+ 36 663	+ 124 256	+ 120 531	+1.8%	21
Tasman	- 3 031	+ 30 316	+ 60 691	+ 87 976	+3.9%	17
Waratah-Wynyard	+ 86 282	+ 204 389	+ 222 702	+ 513 374	+9.4%	8
West Coast	+ 144 344	+ 32 308	+ 42 828	+ 219 480	+7.7%	11
West Tamar	- 126 702	+ 73 084	- 24 147	- 77 765	-1.4%	24
<b>Net Redistribution</b>	<b>+1 567 906</b>	<b>+4 176 252</b>	<b>+6 201 734</b>	<b>+11 398 007</b>		

**TABLE 16**  
**TASMANIAN FREIGHT SURVEY RESULTS: 2016-17 SURVEY**

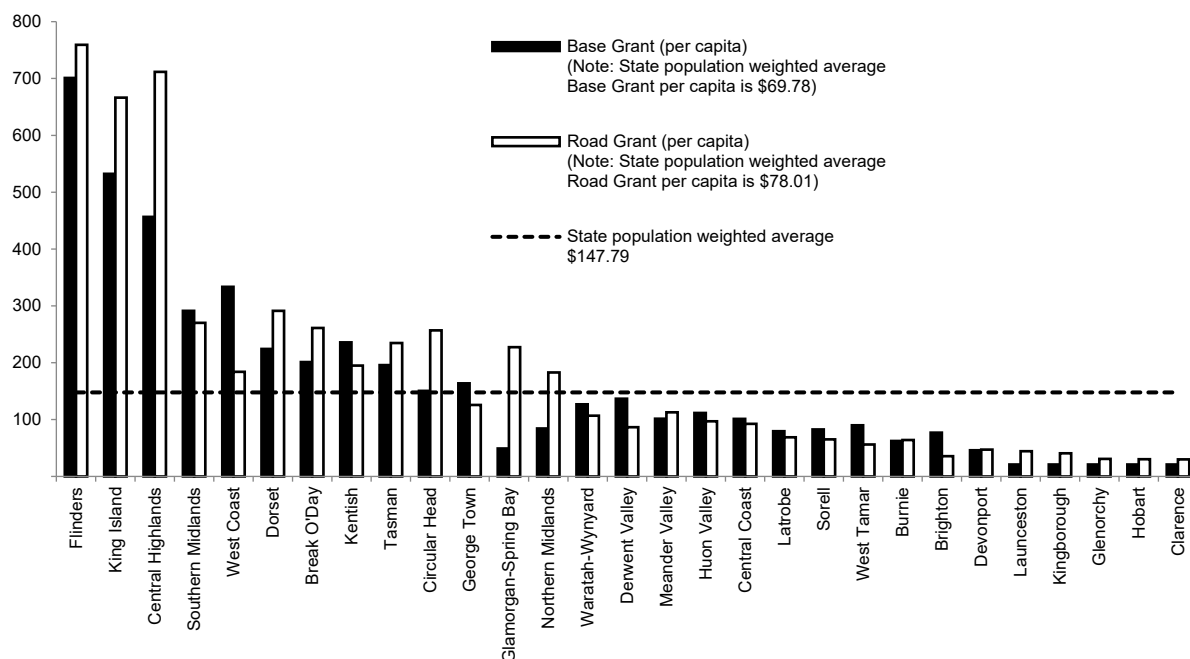
Council	Urban		Rural		Total Tonne/km
	Sealed	Unsealed	Sealed	Unsealed	
Break O'Day	108 874	4 598	3 254 903	966 544	<b>4 334 919</b>
Brighton	1 360 767	0	103 544	6 378	<b>1 470 689</b>
Burnie	1 445 103	225	3 338 979	220 264	<b>5 004 571</b>
Central Coast	2 082 328	757	4 239 581	70 029	<b>6 392 695</b>
Central Highlands	64 786	0	531 266	1 375 717	<b>1 971 769</b>
Circular Head	3 022 776	3	22 053 098	1 439 783	<b>26 515 660</b>
Clarence	2 522 053	1 093	30 435	8 923	<b>2 562 504</b>
Derwent Valley	1 035 800	10 134	2 747 510	2 180 887	<b>5 974 331</b>
Devonport	5 626 187	544	1 390 459	61	<b>7 017 251</b>
Dorset	452 570	13 997	7 573 337	4 413 980	<b>12 453 884</b>
Flinders	0	0	501 362	226 896	<b>728 258</b>
George Town	392 131	0	2 411 613	76 213	<b>2 879 957</b>
Glamorgan Spring Bay	24 324	0	28 448	3 376	<b>56 148</b>
Glenorchy	2 325 314	0	30 359	0	<b>2 355 673</b>
Hobart	5 130 171	0	6 626	0	<b>5 136 797</b>
Huon Valley	301 669	1 669	1 135 102	2 390 414	<b>3 828 854</b>
Kentish	785 530	0	2 570 838	1 883 814	<b>5 240 182</b>
King Island	38 594	9 423	547 341	909 862	<b>1 505 220</b>
Kingborough	383 186	37 466	349 717	71 178	<b>841 547</b>
Latrobe	94 580	0	1 123 350	44 102	<b>1 262 032</b>
Launceston	10 907 936	2 305	1 746 377	2 150 134	<b>14 806 752</b>
Meander Valley	771 895	41	3 710 886	38 475	<b>4 521 297</b>
Northern Midlands	1 110 318	142	4 902 398	611 925	<b>6 624 783</b>
Sorell	222 373	2 817	297 979	695 716	<b>1 218 885</b>
Southern Midlands	102 186	0	531 328	401 598	<b>1 035 112</b>
Tasman	91 353	38 446	493 888	217 013	<b>840 700</b>
Waratah-Wynyard	2 099 573	18	3 411 873	952 242	<b>6 463 706</b>
West Coast	129 947	5 257	1 709	3 348	<b>140 261</b>
West Tamar	494 931	9 663	1 698 122	66 112	<b>2 268 828</b>
<b>Total</b>	<b>43 127 255</b>	<b>138 598</b>	<b>70 762 428</b>	<b>21 424 984</b>	<b>135 453 265</b>

Source: 2016-17 Tasmanian Freight Survey - conducted by Department of State Growth.

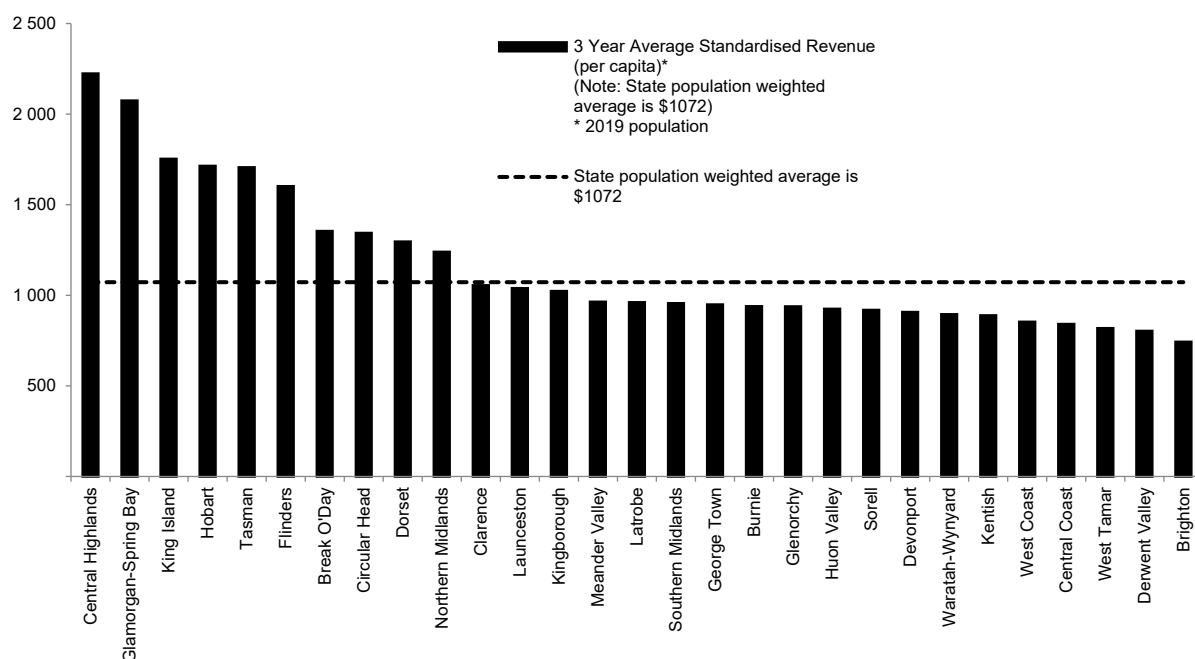
Freight task reflects freight task as tonne-KM broken down by Local Government Area and Road Category. Urban Boundary is defined using the ABS Urban Centre and Locality definition.

Roads in locations where the population is greater than 200 are classified for this purpose as Urban.

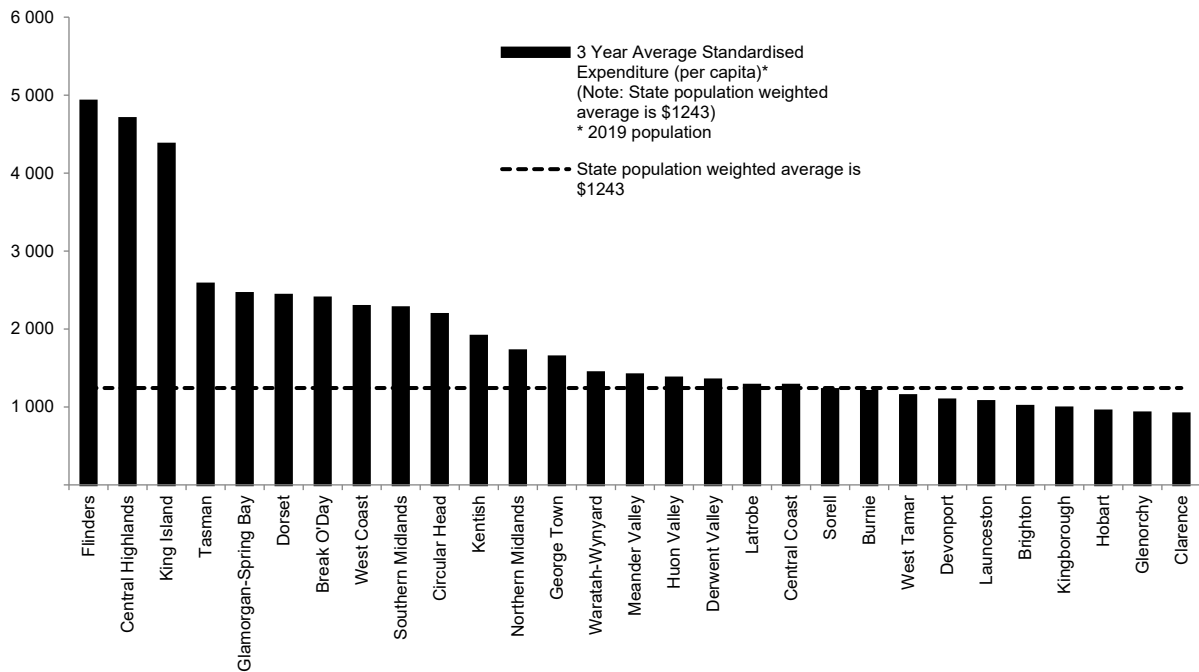
**GRAPH 1**  
**2020-21 BASE GRANT AND ROAD GRANT**



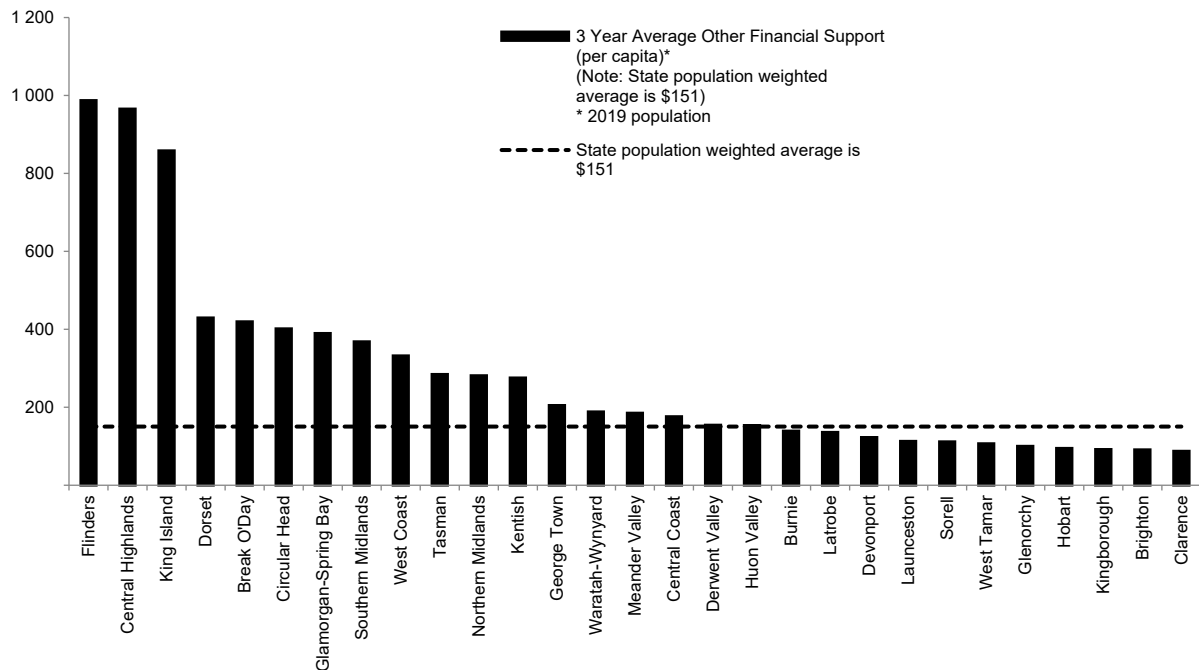
**GRAPH 2**  
**STANDARDISED REVENUE**



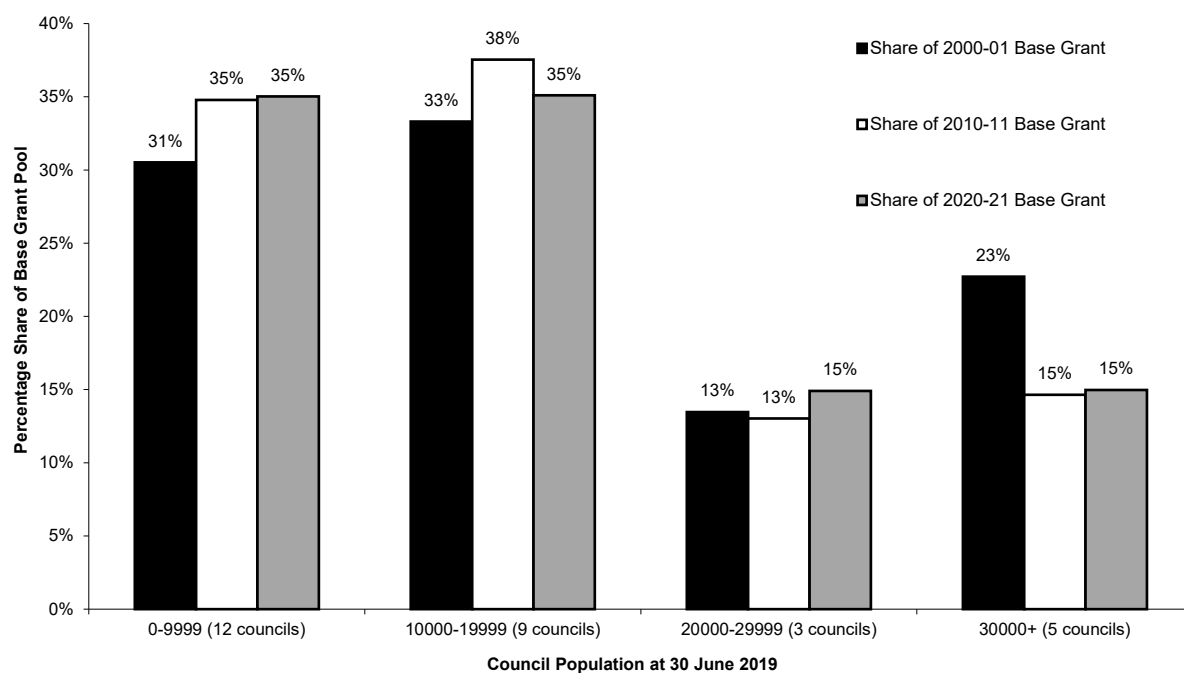
**GRAPH 3  
ASSESSED EXPENDITURE**



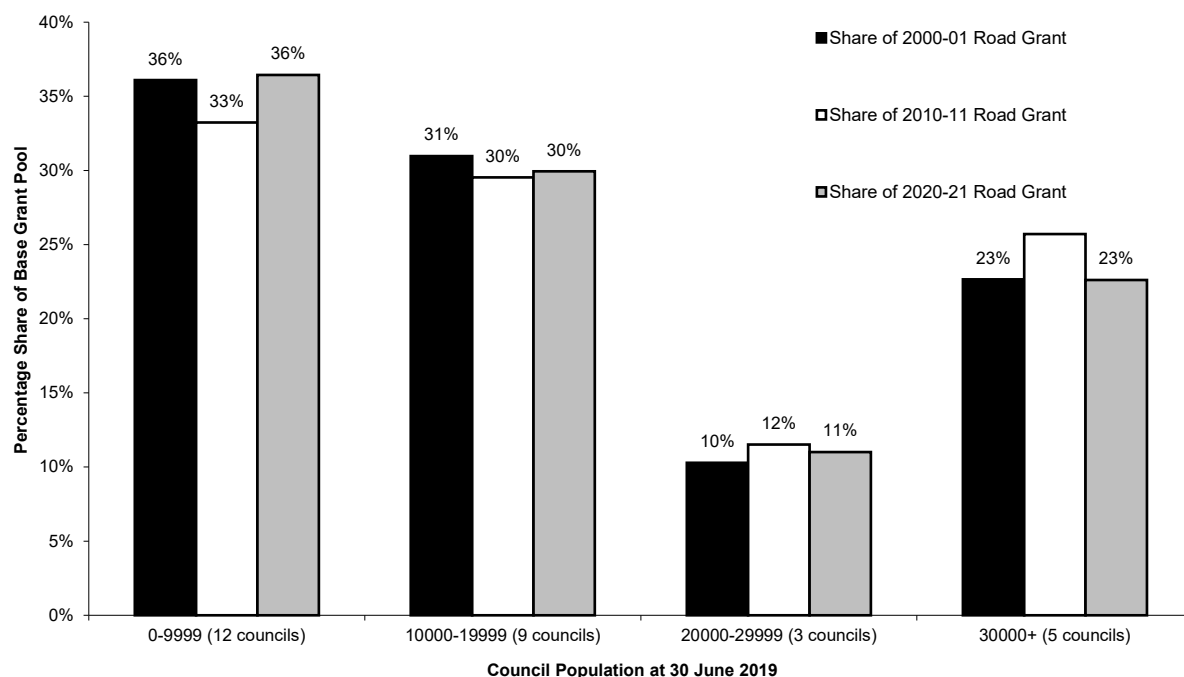
**GRAPH 4  
OTHER FINANCIAL SUPPORT**



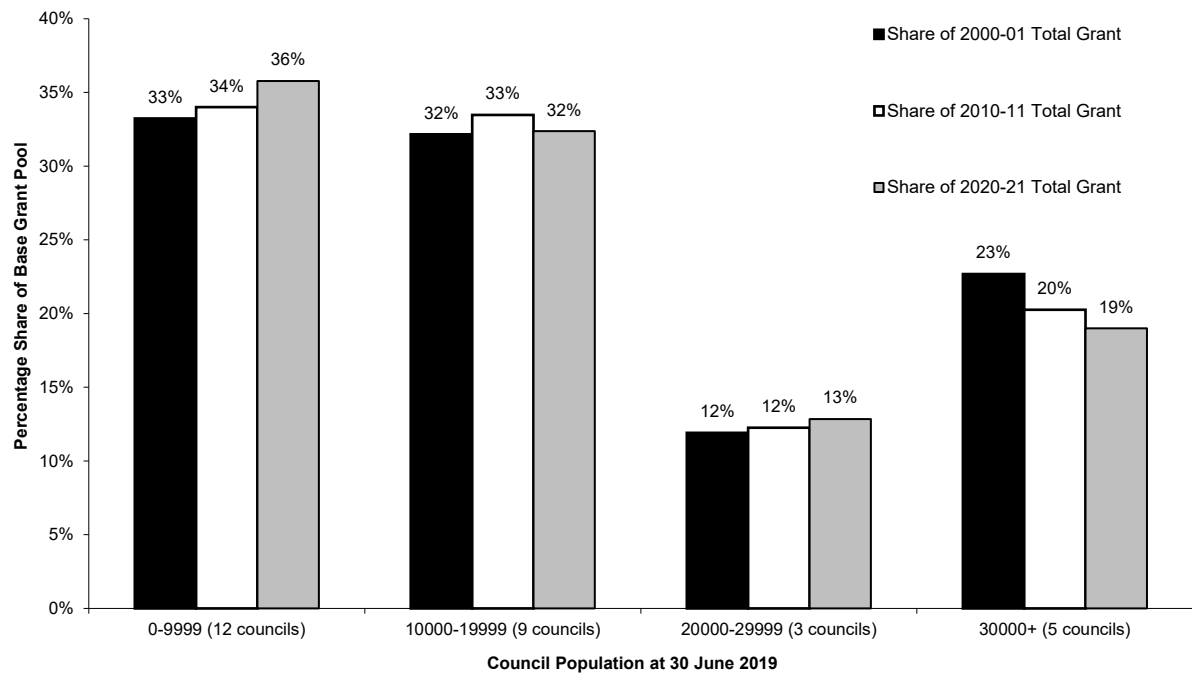
**GRAPH 5**  
**SHARE OF BASE GRANT POOL BY POPULATION**



**GRAPH 6**  
**SHARE OF ROAD GRANT POOL BY POPULATION**



**GRAPH 7**  
**SHARE OF TOTAL GRANT POOL BY POPULATION**







Tasmanian  
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Visit: <https://www.treasury.tas.gov.au/state-grants-commission>



## Frequently Asked Questions

### Building Better Regions Fund Round Five

Version 1 – December 2020

*This document will be updated from time to time as new questions arise. If you have other questions please contact us at [business.gov.au](mailto:business.gov.au) or call the contact centre on 13 28 46.*

*These FAQs apply to both the Infrastructure Projects stream and Community Investments stream unless otherwise specified.*

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### **When will I be notified about the outcome of my application?**

- Announcement of decisions is expected in mid 2021.
- Applicants will be notified if their application is ineligible once all applications received have been assessed against the eligibility criteria.

### **Will there be future rounds?**

- Decisions on future rounds are a matter for the Australian Government.

### **What are the major differences between Rounds Four and Five?**

- The emphasis on supporting drought affected regions by supporting projects which deliver direct benefit to drought affected communities.
- Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined.
- Under Section 2.1.2 of the Infrastructure Projects Stream, a new section called 'Tourism Related Infrastructure project funding – key points' has been included. This section lists the key points for an application to be considered for the tourism-related infrastructure projects pool. A factsheet is available at [business.gov.au](https://business.gov.au)
- If you are applying for tourism-related infrastructure project funding, you may wish to discuss your proposed project with independent regional, state/territory tourism organisations to assist in identifying key elements of your project that can support broader tourism stimulus and investment initiatives – evidence of which may be provided as a supporting document in your application.
- If you are applying for tourism-related infrastructure funding under the IP stream, you must clearly demonstrate the economic impact of the COVID-19 pandemic on the tourism industry in the region in which your project will be located, or the region which will directly benefit. (section 2.1.2 and 7.1 of the grant opportunity guidelines).
- Pre-construction activities, including architect services, design, surveying, planning, environmental or other regulatory approvals, that exceed 20 per cent of the total eligible project expenditure will be considered ineligible.
- For multi-stage projects, the first stage of the project must be investment ready within 12 weeks of executing the grant agreement. Refer to section 2.1.1 of the Infrastructure Projects Stream grant opportunity guidelines.
- Assessment criterion 1 has included the use of sustainable work practices/goods as an example of an economic benefit.
- Substantiation of any employment numbers must be demonstrated with evidence.
- Assessment criterion 3 includes a requirement for you to consider mitigation of health risks associated with the current COVID-19 pandemic in your risk management plans.
- If a project is still in the planning or concept stage, it is not likely to be competitive.
- Projects must be completed by 31 December 2023.
- If you are considering applying for funding to develop current leadership and resilience skills within the Community Investment Stream, you may like to consider the Building Strong, Resilient Regional Leaders initiative announced in the 2020-21 Federal Budget.

### **Why are the regional boundaries set where they are?**

- The boundaries were decided by Government and represent the regional focus of this program. You should check the [BBRF mapping tool](#) to confirm the eligibility of your proposed project location.

### **My project is in an excluded area but the project benefits will flow directly to an eligible area, how can I demonstrate this in my application?**

- For your project located in an excluded area to be eligible, you must clearly demonstrate that significant and demonstrable benefits and employment outcomes flow directly into an eligible area.

You can do this by providing information in your responses to assessment criterion 1 (economic benefits) and assessment criterion 2 (social benefits).

- All applicants:
  - economic and social benefits – you must clearly define and quantify the benefits which will flow directly into an eligible area. To do this you must include measurable outcomes, robust methodology, a well-articulated need/demand for the project, a defined target group in the eligible area, and clearly show how the benefits are linked to the project
  - evidence – you must include strong and comprehensive evidence to support the benefits you have claimed will flow to the eligible area from the project. Evidence must be current (within 18 months). One example could be letters of support from councils and organisations in eligible areas confirming the benefits that will flow to their region
  - benefits beyond the project – you must demonstrate that benefits will be sustained in the eligible area beyond the project period and that further economic and social growth will result from the project.
- For Infrastructure Projects:
  - job outcomes – you must show significant job outcomes flowing to the eligible area. Refer to the Employment Outcomes Factsheet.
- For Community Investments projects:
  - job outcomes – you must show job outcomes flowing to the eligible area. Refer to the Employment Outcomes Factsheet.
  - benefits beyond the project – for local events and activities projects, you must provide evidence to demonstrate how the project will be funded and delivered into the future without Australian Government funding.

### **Will the Department contact me with questions relating to my application?**

- If the assessment process identifies unintentional errors in your application, we may contact you to correct or clarify the errors, but you cannot make any material alteration or addition.

### **Can I provide additional information or make a change to my application after the closing date?**

- No further information can be accepted or changes made to your application after the closing date.
- Prior to the closing date:
  - You can withdraw your application and resubmit a new one. You will need to complete a new form in this case. Please call 13 28 46 to confirm withdrawal of your application.

### **Will all eligible applications be funded?**

- No. The program is a competitive grants program and we expect the funding round to be oversubscribed. While it is necessary for your application to be eligible, your application will also need to be competitive to give your project the best chance of being funded. This means having strong claims, supported by evidence, against all four of the assessment criteria.

### **Is an amount set aside for each stream and region?**

- Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined.
- Excluding the tourism-related infrastructure projects under the Infrastructure Projects Stream, there is no amount set aside for either stream or region. The amounts that go to each stream or region will depend on the level of applications received, the assessment of those applications and the decisions on which applications to fund made by the Ministerial Panel, who considers a range of factors as published in the Grant opportunity Guidelines.

### **Is there an equal amount of money available for each year of the BBRF?**

- Decisions on future funding amounts will be made by the Australian Government.

### **Can I apply for exemptions to the grant opportunity guidelines?**

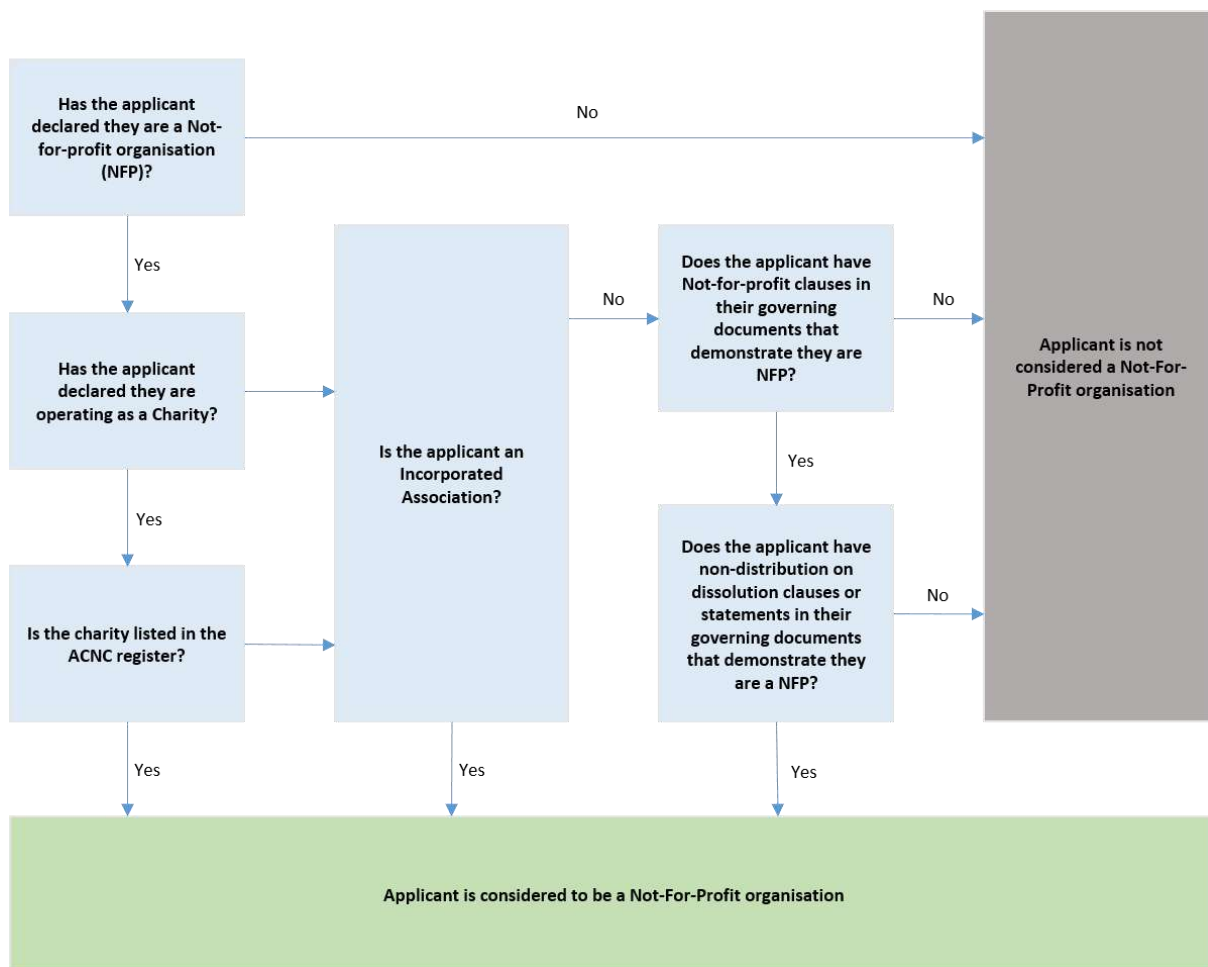
- No. The department is bound to administer the program in accordance with the grant opportunity guidelines. The grant opportunity guidelines outline the criteria against which all applications will be assessed.

### **Will the decision maker approve a different grant amount to what I requested?**

- The grant amount offered to successful applicants is a decision for the Ministerial Panel. The guidelines allow for the Ministerial Panel to take into account a number of factors in their decision making including:
  - the spread of funding and projects across regions
  - whether similar projects exist to ensure that projects build on and support other projects and services, while not duplicating them
  - previous funding under other programs, which may result in offering an amount different to the grant amount requested.

### **How is an organisation's not-for-profit status decided?**

- A not-for-profit organisation for the purposes of BBRF is defined as an organisation that does not operate for the purpose of profit, personal gain or other benefit of particular people, when it is in operation or when it is wound up.
- Typically an organisation's constitutional or governing documents contain clauses demonstrating the not-for-profit character of the organisation which prevent it from distributing profits or assets for the benefit of particular people. Not-for-profit organisations must provide evidence of their not-for-profit status. Mandatory attachments are listed in the grant opportunity guidelines at Section 7.1.
- The diagram below shows how an organisation's not-for-profit status is determined for the purposes of BBRF.



### What is the definition of a school under BBRF?

- If your organisation sits under the jurisdiction of a State Government education department to deliver educational outcomes then you are considered to be a school under the Building Better Regions Fund. Schools are ineligible for funding under the BBRF.

### Can Local Government Financial Assistance Grants be used as cash contributions under the BBRF?

- Financial Assistance Grants are untied, allowing local government bodies to spend the grants according to local priorities. Financial Assistance Grant funding is considered a contribution from the applicant, and not the Commonwealth.

### How can I provide evidence of cash contributions committed to by candidates in the lead up to a State Government general election?

Proponents should prepare applications working with funding partners as per normal. In line with section 7.1 of the grant opportunity guidelines, all cash contributions, including those that are committed during an election campaign, must be evidenced.

All applicants must attach letters evidencing the cash contribution from each contributing organisation or individual. This evidence must be submitted with the application prior to the closing date.

The letter must be:

- on the organisation's letterhead,
- signed and dated by an authorised person, and
- set out the value and timing of contributions and any conditions attached.

Therefore, if a candidate in a State Government general election makes a commitment to a project, the Applicant must provide with their application a letter on the party letterhead, signed and dated by an authorised person, setting out the value and timing of contributions and any conditions attached.

As part of the assessment of applications the Department may seek confirmation of cash commitments from the incoming State Government. No action is required from applicants in this regard.

Only election commitments made and confirmed by the party(ies) that forms Government will be accepted as evidence of co-funding for the purposes of BBRF.

### **Can the provision of land be considered as part of my mandatory cash contribution?**

- No. A contribution of land will be considered an in-kind support to the project. In kind support is not co-funding. All contributions must be cash and towards eligible expenditure.

### **Can I apply for funding for one stage of a bigger project?**

The application form requires that you provide a brief overview description of the project for which funding is being sought and a description of the project outcome and outputs. If the project is part of a larger program of works you will need to describe this in the application form. The proposed BBRF project will be assessed as a standalone project and be able to deliver the benefits described without completion of the larger program of work.

How do I make clear that the project I am applying for is one stage of a larger project? You must address how you will manage project stage dependencies in Assessment Criterion 3.

### **What type of information should I include when answering questions on project management, risk management and maintaining project benefits?**

- You must make the best possible case to demonstrate that you have done all planning required to provide confidence that the project will be delivered on time, on budget and to an appropriate standard to deliver the benefits described in your application.
- Project Management – you must address the implementation of the project from commencement to completion. You should define how, when and by whom project activities will be completed to demonstrate that the project will be delivered on time, on budget and to the required standards. You should include the following information:
  - confirmation of required approvals, are they in place or being sought?
  - how will goods and services be procured
  - how will you ensure the project is delivered on time and on budget and to the required standards, e.g. who will manage the project and what governance arrangements are in place.
- Project Risk – you must provide details on the key risks to your project and the mitigation or management strategies in place across the life of the project. You must provide at least three risks.
- Maintaining Project Benefits (Infrastructure Projects stream only) – you must demonstrate that the outputs of the project will be retained in original condition for the relevant period as outlined in section 12.8 of the Infrastructure Projects grant opportunity guidelines. You should outline the operational needs of the project into the future, a strategy to manage the project and to maintain the ongoing viability of the completed project.
- The level of detail required to make a convincing case is relative to the project size, complexity and grant amount requested.

### **How do I withdraw my application**

- Please call 13 28 46 for assistance. You will receive an email confirming the withdrawal of your application.



# Infrastructure Projects Stream

## Should I apply for the tourism-related infrastructure project funding?

- Round Five of the program incorporates \$100 million towards tourism-related infrastructure projects.
- When applying through the online application form, you will be asked to indicate your intention to seek funding for your project from the tourism-related infrastructure projects funding pool.
- You will be asked to demonstrate the COVID-19 pandemic's impact on your region's tourism industry (or the region that will benefit from your proposed project) and how your project will provide direct benefit to the tourism industry and assist in mitigating the impact from the COVID-19 pandemic.
- You will be required to provide evidence to support your claims. You must also meet the eligibility requirements of the grant opportunity guidelines.
- You do not have to be a tourism organisation to apply for the tourism-related infrastructure funding.
- Austrade may be consulted as part of the assessment process for tourism-related infrastructure project funding.
- If you do not clearly articulate how your project will provide benefits to the tourism industry in the region to assist in mitigating the impact of the COVID-19 pandemic, and support those claims with tangible evidence, your application will not be considered for the \$100 million tourism-related infrastructure project funding. It will instead be considered with the general infrastructure project applications.
- If you are applying for tourism-related infrastructure project funding, you may wish to discuss your proposed project with independent regional, state/territory tourism organisations to assist in identifying key elements of your project which can support broader tourism stimulus and investment initiatives. This evidence may be provided as supporting documentation in your application. A Tourism-Related Infrastructure project funding Factsheet is available on [www.business.gov.au](http://www.business.gov.au)

## Does my organisation have to own the infrastructure we would like to upgrade or extend using a BBRF grant?

- You do not need to own the infrastructure associated with your BBRF project. However, you must be able to demonstrate with evidence that you have appropriate authority from the owner and access to the infrastructure, capital equipment, technology or intellectual property required to undertake the project.
- You will have to demonstrate you have planned for, or have in place all regulatory and development approvals required to undertake the project.
- You will also need to demonstrate you will be able to operate and maintain the project infrastructure into the future to ensure you can deliver the benefits throughout the operational period outlined in 12.8 of the Infrastructure Projects Stream Grant opportunity guidelines.

## Is an infrastructure project eligible if part or all of the project is on land not owned by the applicant?

- You do not need to own the land associated with your BBRF project. However, you must be able to demonstrate with evidence that you have appropriate authority from the owner and access to the infrastructure (including land), capital equipment, technology or intellectual property required to undertake the project.
- You need to demonstrate you have planned for or have in place all regulatory and development approvals required to undertake the project.
- You will also need to demonstrate you will be able to operate and maintain the project infrastructure into the future to ensure you can deliver the benefits throughout the operational period outlined in section 12.8 of the Infrastructure Projects Stream grant opportunity guidelines.

## Can I seek funding under the Infrastructure Projects stream to purchase land or existing infrastructure?

- No, you can only spend the grant and cash contributions on eligible activities directly related to the project. The purchase of land or existing infrastructure is an ineligible activity under the BBRF.

### **Can I seek funding under the Infrastructure Projects stream for investment in a vehicle or vessel such as a boat?**

- No, infrastructure must be a fixed physical structure or facility (e.g. buildings, roads, power supplies) needed for the operation of a community.

### **Can a local governing body or not-for-profit organisation apply for funding when the principal motivator of the project is a private company?**

- It is not the intention of the program that an eligible organisation applies on behalf of an ineligible organisation. The organisation applying for the funding is responsible for the delivery of the project and its outcomes. Please note, if it appears that an applicant is not the principal motivator of the project, the application may not be competitive. Project expenditure must be incurred by the applicant during the project period to be eligible and grant funds are paid as a proportion of eligible expenditure.

### **What does 'investment ready' mean?**

- Under section 2.1.1 of the Infrastructure Projects Stream grant opportunity guidelines a new section called 'Investment Ready Projects' has been included in both Rounds Four and Five which emphasises projects should be ready to commence within 12 weeks of executing the grant agreement, and lists the requirements to be 'Investment Ready'. Investment ready projects have completed pre-construction activities and are ready to commence construction activities.
- Pre-construction activities, including architect services, design, surveying, planning, environmental or other regulatory approvals, which exceed 20 per cent of the total eligible project expenditure will be considered ineligible expenditure.

### **How do the Australian Government Building and Construction WHS Accreditation Scheme requirements impact my project?**

- If you are successful and your grant amount is over \$6 million you may need to have your head contractor accredited under the Australian Government Building and Construction WHS Accreditation Scheme. Your obligations under the scheme will be discussed as part of the negotiation of your grant agreement. Information on the scheme is available at [www.fsc.gov.au](http://www.fsc.gov.au).

## **Community Investments Stream**

### **Will the Community Investments Stream fund my event for more than one year?**

- No, local events will only be eligible for funding under the program once. Funding under the Community Investments Stream is intended as seed-funding to support an inaugural event or funding for a one-off expansion of an existing activity. You will need to clearly outline in your application your strategy to fund future and expanded events without Australian Government funding.
- Events must take place after you execute the grant agreement with the Commonwealth.

### **Can my staff provide the regional leadership?**

- Leadership training must be conducted by an external entity to the organisation as funding for staff wages is considered an ineligible activity.
- You must provide a quote and course information dated within two months of lodging your application.
- If you are considering applying for funding to develop current leadership and resilience skills to support your local communities through future economic challenges, you may like to consider the Building Strong, Resilient Regional Leaders initiative announced in the 2020-21 Federal Budget.



## Factsheet

# Building Better Regions Fund Round Five – Cost-Benefit Analysis

*This document provides guidance and information on preparing a cost-benefit analysis.*

A cost-benefit analysis (CBA) is an evidence-based process to understand the various impacts of a project. The scope of the CBA will be dependent on the scale and complexity of the project. The starting point for a CBA is to define the problem and specify the intended objectives and outcomes of the proposal.

The Building Better Regions Fund program is focused on regional and remote communities. The CBA should focus on impacts (costs and benefits) to the region or community (households, businesses, workers and/or governments) as the primary referent group.

A CBA report should include the following key information:

- A clear and concise summary of the base case, the options assessed and the main results of the sensitivity tests
- All critical assumptions should be made explicit and supported by evidence
- Net Present Value
- Cost-benefit Ratio.

### Define the base case and develop options

A CBA should provide a comparison of alternative scenarios forecasting likely future scenarios.

- A CBA should compare the state of the world with the proposed project against the state of the world without the proposal. The base case provides the benchmark against which the proposed project or investment can be measured. It is the 'do-nothing' or

'maintain status quo' option, describing what is likely to occur in the absence of the project being evaluated. Organisations should select a realistic base case and document the assumptions used.

- Options for infrastructure projects could include construction of new infrastructure, refurbishing existing infrastructure, changing the timing of an investment, or demand management.

### Value costs and benefits

The CBA compares costs and benefits by using a common measure of monetary value to quantify the value. Costs and benefits can cover economic and social (including environmental) impacts and benefits.

Examples of common costs includes:

- Capital costs on new assets
- Operating and maintenance costs
- Negative externalities - Examples of third party (externality) costs include noise, congestion, pollution, and reduction in visual amenity.

Examples of common benefits includes:

- Savings or avoided costs
- Revenues, e.g. increased tourism spend
- Additional jobs created
- Benefits to the broader community, e.g. improvements in public health and worker safety, reduction in

- injuries/fatalities, reduction in travel time, improved equity of access
- Improvements in environmental amenity.

In some cases, quantification may not be practical, particularly for social benefits. In these cases it is important that the CBA is clear about what can and cannot be reliably quantified and valued. The CBA should draw on the available information, describe and discuss the impacts, outline data limitations and all assumptions made.

The costs and benefits should cover the life of the project or asset. The Australian Taxation Office provides guidance on the effective life of assets. In many cases the infrastructure projects will use 20 or 30 years.

To compare costs and benefits over time, these are generally weighted by use of a discount rate and the concept of present value – where future costs and benefits are discounted. Typically this is calculated using a real discount rate of 7 per cent.<sup>1</sup> A more detailed CBA will provide three discount rates, typically 3 per cent, 7 per cent and 10 per cent.<sup>2</sup>

## Evidence

Reasonable effort should be made to collect the best available evidence to input into the CBA. The effort should be commensurate with the size of the project. As a general rule, projects that are high-cost or high-risk will warrant more extensive analysis than smaller projects.

Some possible information sources to help with the assessment task include:

- Consultation with those likely to be affected
- Surveys – existing or commissioned
- Experience in similar projects of other jurisdictions
- Experience and data held by government departments
- Consultants and peer reviewers
- Academic literature
- National statistics on economic indicators.

<sup>1</sup> In 2010, the Productivity Commission published [Valuing the Future](#), a research paper on discount rates.

## Conclusions

A CBA reports whether the benefits of a proposal are likely to exceed the costs, and which option, amongst a range of options, will result in the highest net benefit.

The preferred measures of the net benefit of a project include:

- Net Present Value (NPV) – The difference between the present value of benefits and the present value of costs.
- Benefit Cost Ratio (BCR) – The ratio of the present value of total benefits to the present value of total costs.

A sensitivity analysis examines how the NPV, total cost or other outcomes vary as individual assumptions or variables are changed.

The applicant should consider engaging a consultant/expert to prepare the CBA if it is outside the organisation's expertise.

## Contact us

For more information, visit [www.business.gov.au](http://www.business.gov.au) or call 13 28 46.

<sup>2</sup> In 2014, the Office of Best Practice Regulation (OBPR) recommended the use of a 7% discount rate with sensitivity analysis using discount rates of 3% and 10%.



Australian Government

Department of Industry, Science,  
Energy and Resources

Department of Infrastructure, Transport,  
Regional Development and Communications

## Sample application form

# Building Better Regions Fund – Infrastructure Projects Stream – Round 5

Version: December 2020

This document shows the questions included in the online application form for this grant opportunity. It will help you prepare your responses and the mandatory attachments you need before you apply online.

# Instructions

---

The online form captures the information required by the department to assess and manage your application for services and funding.

The first page of the application page contains the following instructions.

## Completing your application

The application consists of separate pages as shown in the navigation menu on the left hand side of the portal page. You can navigate between pages using the menu or the buttons at the bottom of each page.

You must use the Save and Continue button to validate the information on each page. If you use the menu to navigate between pages, you will be prompted on the final page to go back and validate all of the information you have entered. A green tick indicates a validated page.

A red asterisk \* indicates a mandatory question. A warning message may appear if you have not completed all of the mandatory questions or if there is an issue with information you have entered.

You can save your changes at any time by using the Save button. To prevent you losing your work you should save often. The portal will time out after 30 minutes if you do not save. Typing or moving your mouse does not reset the time out.

## Participants

You may invite others to assist in completing your application via the application summary page. To do this:

- Select the Participants button
- Enter the details

An email will be sent to the participant inviting them to assist with your application.

## Submitting your application

You must complete every page of the application before you can submit.

You must also read and agree to the declaration which advises you of your responsibilities.

Check all your answers before you submit your application. After you submit, it will no longer be editable.

## Internet browsers supported by the portal

We recommend that you use the following browsers for optimum functionality:

- On Windows: The latest versions of Mozilla Firefox and Google Chrome
- On Mac: The latest versions of Safari and Google Chrome

## Getting help

If you require further assistance completing this form, [contact us](#) by email or web chat or on 13 28 46.

## A. Program selection

---

Before you start your application, we need to first identify what type of entity is applying.

*Some programs we offer allow entities without an ABN to apply. The form is designed to accommodate these entities. However for this grant opportunity, an ABN is mandatory. If you do not have an ABN this grant opportunity will not appear in the program selection at the bottom of the first page and you will not be able to continue.*

If you are a trustee applying on behalf of a trust we will need details of both the trust and trustee.

Before you start you should have the following details ready if they are applicable to you.

- Australian Business Number (ABN)  
or
- Australian Company Number (ACN)
- Indigenous Corporation Number
- Australian Registered Body Number
- Australian Registered Scheme Number
- Incorporated Association Registration
- Co-operative Registration Number
- Charity status
- Not for profit status

If you do not have an ABN we will ask you why you do not have one. You should note the following.

*If you are entitled to an ABN and do not provide it to us, we will be required to withhold 47 per cent from any grant awarded. If you intend to apply for an ABN you should do so before starting your application as you cannot update these details in the application form. If you apply for an ABN after you start your application you will need to start again.*

### A.1. Program selection

You must select from a drop-down menu the program that you are applying for. If you have been provided with an Invitation code, you will be able to enter it here which will select the program for you.

- Field 1 select – Building Better Regions Fund – Round 5
- Field 2 select – Infrastructure Projects Stream

*When you have selected the program, the following text will appear.*

The Building Better Regions Fund (the program) will run over 7 years from 2017-18 to 2023-24.

The Round 5 grant opportunity was announced in Budget Paper 2, *Supporting Regional Australia*. \$200 million is available for this grant opportunity, with \$100 million of this dedicated to tourism-related infrastructure projects.

The **objectives** of the program are to:

- drive economic growth
- build stronger regional communities into the future.

The intended **outcomes** of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and a sense of identity.

The maximum grant amount is \$10 million and the minimum is \$20,000.

You should read the [grant opportunity guidelines](#) and [sample grant agreements](#) before filling out this application. We recommend you keep the guidelines open as you are completing your application so you can refer to them when providing your responses.

You may submit your application at any time up until 5.00pm AEDT on 5 March 2021. Please take account of time zone differences when submitting your application.



## B. Eligibility

---

We will ask you the following questions to establish your eligibility for the Building Better Regions Fund – Infrastructure Projects Stream – Round 5 grant opportunity.

*Questions marked with an asterisk are mandatory.*

*Select one of the following options.*

- Are you one of the following eligible entities?\*
- An incorporated not for profit organisation.
- An Australian local government agency or body as defined in the glossary of the grant opportunity guidelines.
- Non-distributing co-operatives
- None of the above
  
- If you are a not for profit organisation, can you demonstrate your not for profit status through one of the following:
  - Current Australian Charities and Not for profits Commission's (ACNC) Registration
  - State or territory incorporated association status
  - Constitutional documents and/or Articles of Association that demonstrate the not for profit character of the organisation

*You will be required to provide evidence later in the application.*

*You must select yes or no to proceed to the next question.*

- Is your project located in one of the following eligible locations? \*
- Very Remote
- Remote
- Outer Regional
- Inner Regional
- Major Cities

*Please use the [mapping tool](#) to determine the eligibility of your project location. Information from the mapping tool will be required throughout your application. We advise you to keep the mapping tool open.*

*If you answered no to the above question, you must answer yes to the next question to be eligible.*

- Is your project located in an excluded area whereby significant benefits and employment outcomes will flow directly into an eligible area? \*

*Excluded areas are the Urban Centre and Locality (UCL) cities over 1 million people for Sydney, Brisbane, Perth and Adelaide as defined by the Australian Bureau of Statistics Australian Statistical Geography Standard. For the city of Canberra, the excluded area is only the part of the Canberra-Queanbeyan Significant Urban Area that is located within the Australian Capital Territory.*

*If you answered yes to this question, you will be required to address how the benefits and outcomes will flow into an eligible area within the merit criteria section.*

*You must answer yes to proceed to the next question.*

- Can you meet the evidence requirements for the minimum share of project costs? \*

*If you will be making a cash contribution to the project, you must use the Accountant Declaration form available on [business.gov.au](https://business.gov.au). If your project will receive a cash contribution from other sources, you must provide formal documentation confirming the cash contributions from those sources. A template may be found on [business.gov.au](https://business.gov.au). If you intend to apply for a co-funding exemption, you will be required to provide evidence to support your case later in the application. Refer to Section 3.1, Table 1 in the grant opportunity guidelines for further information about varying project circumstances and its impact on the minimum share of project costs.*

- Do you own the land and infrastructure for the project?

*If you answered no, you must answer yes to the following question to be eligible.*

- Can you confirm that you have the authority of the land and infrastructure owner to undertake the project at the nominated project site(s)? \*

*You are required to provide a letter from each of the land and infrastructure project owner(s) using the letter template provided on [business.gov.au](https://business.gov.au)*

*You must answer yes to proceed to the next question.*

- Does your project include the construction, upgrade or extension of infrastructure that provides economic and social benefits to regional and remote areas?

*Refer to section 5.1 of the grant opportunity guidelines for further information on eligible and ineligible activities.*

*You must answer no to the next question to be considered eligible.*

- Have construction activities started at the time of application?

## C. Applicant address

---

### C.1. Applicant street address

You must provide your street address

*When you start typing the address in the field you can select the correct one from the drop down list that appears. If it is not there you can enter manually.*

### C.2. Applicant postal address

You must provide your postal address

*When you start typing the address in the field you can select the correct one from the drop down list that appears. If it is not there you can enter manually.*

## D. Project information

---

On this page you must provide the detailed information about your proposed project.

*If your application is successful, we will publish some grant details on [GrantConnect](#) and other government publications. Published details include:*

- *name of the grant recipient*
- *a project title*
- *a brief project description and its intended outcome*
- *amount of grant funding awarded.*

### D.1. Project title and description

Provide a project title.

*Your response is limited to 75 characters including spaces and does not support formatting.*

Provide a brief project description.

*Your response is limited to 750 characters including spaces and does not support formatting.*

*Ensure your project description focuses on your project's key activities and outcomes. Outline what it is you are going to do and how it will benefit your organisation.*

### D.2. Detailed project description and key activities

*This information will be included in your grant agreement if your application is successful.*

Provide a detailed description of your project including the project scope and key activities.

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

### D.3. Project outcomes

*This information will be included in your grant agreement if your application is successful.*

Provide a summary of the expected project outcomes.

*Your response is limited to 5000 characters including spaces and does not support formatting.*

### D.4. Eligible activities

- Select the eligible activities that your project will include.
  - the construction of new infrastructure
  - the upgrade to existing infrastructure
  - the extension of existing infrastructure
  - the replacement of infrastructure where there is a significant increase in benefit

*Where your activities involve the replacement of infrastructure, you will need to demonstrate the significant increase in benefit in criteria 1 and 2.*

*You may select more than one option.*

## D.5. Tourism Related Infrastructure

Is your project applying for funding for a tourism-related infrastructure project?

*\$100 million of the grant funds available under Round Five has been dedicated to supporting tourism-related infrastructure projects. Refer to Section 2.1.2. in the Grant Opportunity Guidelines.*

If yes, provide information about how the Covid-19 pandemic has impacted your region's tourism industry (or the region that will benefit from your proposed project) and how your project will provide benefits to the tourism industry to assist in mitigating the impact from the Covid-19 pandemic.

*You must attach evidence to support your claims later in this form.*

Your response is limited to 1,000 characters including spaces and does not support formatting.

## D.6. Risk Management

*Identify risks to the project and how you intend to mitigate the risks.*

### Risk

(Title of risk)

*Your response is limited to 75 characters including spaces and does not support formatting.*

### Describe risk

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

### Likelihood

Almost certain/Likely/Possible/Unlikely/Rare

### Consequence

Negligible/Minor/Moderate/Major/Catastrophic

### Risk management strategy

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

## D.7. Project Management

Describe how the project will be managed from commencement to completion. Include the following information (where applicable):

- Approvals in place or being sought
- How will goods and services be procured
- How will you ensure the project is delivered on time, on budget and to the required standards, e.g., will you have a dedicated project manager.

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

## **D.8. Maintaining Project Benefits**

At the completion of the project, how will the outputs be maintained in original condition for the period outlined in section 12.8 of the grant opportunity guidelines? You should outline the operational needs of the project into the future and a strategy to maintain the viability of the completed project.

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

## **D.9. Employment numbers**

*An employment factsheet is available on [business.gov.au](https://business.gov.au)*

*You must provide numerical values.*

### **Direct employment during the Project Period**

- What is the total expected additional direct full time equivalent employment (employees and independent contractors) generated during the project period?
- How many of these employees do you anticipate will be Indigenous?

### **Indirect employment during the Project Period**

- What is the total expected additional indirect full time equivalent (employees and independent contractors) generated during the project period?
- How many of these employees do you anticipate will be Indigenous?

### **Direct employment following the Project Period**

- What is the total expected additional direct full time equivalent (employees and independent contractors) generated following the project period?
- How many of these employees do you anticipate will be Indigenous?

### **Indirect employment following the Project Period**

- What is the total expected additional indirect full time equivalent (employees and independent contractors) generated following the project period?
- How many of these employees do you anticipate will be Indigenous?

## **D.10. Project duration**

*Your project must be completed by 31 December 2023.*

- Estimated project start date
- Estimated project end date
- Estimated project length (in months)

*The project length will be calculated by the start and end dates you enter.*

## D.11. Project milestones

You must breakdown your project into milestones. You should include the key activities occurring at each milestone. The start date of milestone 1 is the expected project start date. The end date of your last milestone activity will be the project end date. You will be required to complete the following fields. You can add up to 6 milestones.

- Milestone title

*Your response is limited to 100 characters including spaces and does not support formatting.*

- Description

*Your response is limited to 750 characters including spaces and does not support formatting.*

- Estimated start date
- Estimated end date
- Expenditure estimate for each milestone

*The total milestone expenditure should equal the total project expenditure.*

## D.12. Project location

You must provide the address where your project will be undertaken and the estimated percentage of project value expected to be undertaken at that site. [If you have multiple sites you must add the address of each site.]

*A project site must be a street address. Do not provide a postal address, institution or building name.*

- Project site address
- Estimated percentage of project value expected to be undertaken at site

## D.13. Project geolocation

A [mapping tool](#) is available on [business.gov.au](#) to assist you in determining the location of your project. The latitude and longitude must be in numeric format. You must provide a geolocation for each project location identified.

Project site name

Project site address latitude

*The latitude must be expressed in numeric format. For example, the latitude of Alice Springs is -23.6980.*

*Valid latitude ranges are -9.00000 to -44.000000*

Project site address longitude

*The longitude must be expressed in numeric format. For example, the longitude of Alice Springs is 133.8807.*

- *Valid longitude ranges are 112.00000 to 154.000000*

Project site address remoteness classification

*The criteria for the remoteness classification is based on the Australian Bureau of Statistics Remoteness Structure under the Australian Statistical Geography Standard. It is very important that you specify the correct remoteness classification. An error may cause your contribution to be*

*inadequate and your application to be considered ineligible. If your project includes multiple site locations and there is a mix of regional and remote classifications we will consider your entire project location as remote for the purposes of the contribution requirement.*

*[Click here](#) to access the mapping tool that will help you determine the remoteness classification of your project location.*

## **D.14. Exceptional circumstances**

Are you applying for an exceptional circumstances exemption to allow you to seek up to 100% grant funding for the Total Eligible Project Cost of your project?

*Exceptional circumstances may include:*

- *drought and/or disaster declaration*
- *limited financial capacity of the local council*
- *impact of industry decline*
- *significant recent change in population or community demographics*
- *other exceptional circumstances.*

*Before you consider seeking an exemption, note:*

- *we will only grant exemptions in very limited circumstances*
- *if the evidence provided does not include how the exceptional circumstance is preventing you from meeting your cash contribution requirement, or is deemed insufficient, your application will be deemed ineligible and there will be no opportunity to resubmit your application in the same funding round*
- *we assess all applications, including those granted an exemption, against each of the assessment criteria.*

*If you selected yes, complete the following question.*

Please demonstrate your case for exceptional circumstances including how they are preventing you from meeting the cash contribution requirement.

*Your response is limited to 5,000 characters including spaces and does not support formatting.*

*You must attach evidence to support your claims later in this form.*



## E. Project budget

### E.1. Project budget summary

You must provide a summary of your eligible project costs over the life of the project in a table as shown below.

*If you are registered for GST, enter the GST exclusive amount. If you are not registered for GST, enter the GST inclusive amount. We only provide grant funding based on eligible expenditure. Refer to the guidelines for guidance on eligible expenditure.*

*The minimum project expenditure for this grant opportunity is \$20,000.*

*It is highly recommended you attach a detailed project budget later in the application form.*

Type of expenditure	Head of expenditure	Financial Year	Cost
Project expenditure			\$
	Materials for constructions		\$
		2021/22	\$
		2022/23	\$
		2023/24	\$
	Hired/leased plant		\$
		2021/22	\$
		2022/23	\$
		2023/24	\$
	Contract		\$
		2021/22	\$
		2022/23	\$
		2023/24	\$
	External labour hire and external consulting expenditure		\$
		2021/22	\$
		2022/23	\$
		2023/24	\$
	Other eligible expenditure		\$
		2021/22	\$

Type of expenditure	Head of expenditure	Financial Year	Cost
		2022/23	\$
		2023/24	\$
Total			

### Grant funding requested

You will be asked to enter the amount of grant funding you are requesting. Validations will limit your request to be within the grant opportunity guidelines.

## E.2. Source of funding

In this section you must provide details of how you will fund the project, other than the grant funding sought.

***The total of all sources of funding plus your grant, should be equal to your total project expenditure in the section above.***

*Your own contribution to the project is also considered a 'source of funding' and must be provided.*

You will need to provide the following information for all other sources of funding

- Name of contributor
- Type of contributor

*Contributors are divided into the following types*

- *Your contribution*
- *Other Commonwealth government grants*
- *Other non-Commonwealth government grants*
- *Other non-government contribution*
- Value of contribution
- Date due of contribution
- Description

*You may need to provide details around whether your contribution is sourced from bank loans, equity or cash flow etc.*

*Where you are receiving other government funding you will need to provide details.*

## F. Assessment criteria

---

We will assess your application based on the weighting given to each criterion and against the indicators listed beneath each criterion. We will only consider funding applications that score at least 60 per cent against each criterion as these represent best value for money.

*The amount of detail and supporting evidence you provide should be commensurate with the project size, complexity and grant amount requested. You should define, quantify and provide evidence to support your answers.*

To support your responses you must include mandatory attachments later in the application.

### F.1. Assessment criterion 1 (15 points)

*Your response is limited to 5000 characters including spaces and does not support formatting.*

#### **Economic benefits of your project for the region**

You should demonstrate this by identifying

- a) the extent to which your project meets the needs of the regional community
- b) the broader economic benefits that your project will deliver for the region and community during and beyond the term of funding.

***Economic benefits** for a region may cover increases in economic activity, improvements in productivity, wider access to markets or fairer and more equitable economic outcomes.*

*Examples of how your project could demonstrate economic benefits may include but is not limited to:*

- *increasing the number or value of jobs, new businesses or the production of goods and services in the region (this includes direct and indirect opportunities created through the project)*
- *providing opportunities for growth in existing sectors, e.g. tourism, agriculture, manufacturing*
- *the use of local suppliers and goods, especially those that employ the use of sustainable work practices/good*
- *Increasing efficiency of the transport system or service delivery*
- *increasing Indigenous economic participation, including Indigenous employment and supplier-use outcomes.*

***If you have previously stated that your project is in an excluded area but economic benefits will flow directly to an eligible area, you must demonstrate this in your response to this criterion.***

You must also attach evidence to support your response later in the application.

### F.2. Assessment criterion 2 (15 points)

*Your response is limited to 5000 characters including spaces and does not support formatting.*

#### **Social benefits of your project for the region**

You should demonstrate this by identifying

- a) the extent to which your project meets the needs of the regional community
- b) the broader social benefits that your project will deliver for the region and community during and beyond the term of funding.

***Social benefits** for a region may cover increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation.*

*Examples of how your project could demonstrate social benefits may include but is not limited to:*

- *making a region a more attractive place to live*
- *the degree to which the project fills a 'gap' within the community*
- *improving community connections and social inclusion*
- *supporting or protecting local heritage and culture*
- *increasing community volunteering*
- *addressing disadvantage within the community.*

***If you have previously stated that your project is in an excluded area but social benefits will flow directly to an eligible area, you must demonstrate this in your response to this criterion.***

You must also attach evidence to support your response later in the application.

### **F.3. Assessment criterion 3 (5 points)**

*Your response is limited to 5000 characters including spaces and does not support formatting.*

#### **Capacity, capability and resources to deliver the project**

You should demonstrate this by identifying

- a. your track record managing similar projects and access to personnel and/or partners with the right skills and experience
- b. your readiness to commence the project, including your access to any required resources such as infrastructure, capital equipment or technology. You should describe the steps you have taken to allow construction to commence in the immediate future including the status of:
  - required regulatory and/or development approvals
  - project designs and costings
  - authority from the land or infrastructure project owner to undertake the project at the nominated site
  - funding contributions from all sources.
- c. sound project planning to manage and monitor the project, which addresses scope, implementation methodology, timeframes, budget and risk management (including mitigation of health risks associated with the current COVID-19 pandemic).
- d. how you will operate and maintain the infrastructure and benefits of the project into the future.

You must also attach evidence to support your response later in the application.

### **F.4. Assessment criterion 4 (5 points)**

*Your response is limited to 5000 characters including spaces and does not support formatting.*

### **Impact of funding on your project**

You should demonstrate this by identifying

- a. your plan for engagement and collaboration to ensure community support for your project. In your response you can describe:
  - the total investment the grant will leverage including additional cash contribution and in-kind support
  - the extent that your project increases investment and builds partnerships in your region.
- b. the likelihood the project would proceed without the grant. If not, why not? Explain how the grant will impact the project in terms of size, timing and reach
- c. if you have already received Commonwealth funding for this project or a similar project, explain why you need additional funding.

You must also attach evidence to support your response later in the application.

## G. Application finalisation

---

You must answer the following questions and add any supporting documentation required.

### G.1. Conflict of interest

Do you have any perceived or existing conflicts of interest to declare?

*Refer to the grant opportunity guidelines for further information on your conflict of interest responsibilities.*

If yes, describe the perceived or existing conflicts of interest and how you anticipate managing them.

*Your response is limited to 750 characters including spaces and does not support formatting.*

### G.2. Program feedback

How did you hear about the grant opportunity?

*You may select from a drop-down menu.*

### G.3. Supporting documentation

You must attach the following supporting documentation where applicable.

- Evidence to demonstrate tourism related infrastructure

If you are seeking to classify your project as tourism related infrastructure, you must demonstrate your case for the project being tourism-related infrastructure and to demonstrate the region where the project is to be located, or the region that will benefit from the project, has had their tourism industry impacted by COVID-19, as per Section 2.1.2.

- Accountant declaration

*If you are making a cash contribution to the project you must provide an Accountant Declaration that confirms you can fund your share of the project costs. You must use the Accountant Declaration form available on [business.gov.au](https://business.gov.au).*

- Contributing organisation cash confirmation

*If your project will receive cash contributions from other sources you must attach a letter/s from each contributing organisation or individual that includes formal documentation confirming the cash contributions they will make towards the project. A template is provided on [business.gov.au](https://business.gov.au). Letters must:*

- *be on the organisation's letterhead (not applicable for individuals)*
- *be signed and dated by an authorised person or the individual providing the contribution*
- *set out the value and timing of cash contributions and any conditions attached*
- *include the commercial agreement or letter of offer to verify that the cash contribution has been committed to the project (not applicable for individuals).*

- Evidence to demonstrate your case for exemption

*Mandatory for applicants seeking an exceptional circumstances exemption from the cash contribution requirements*

- **Proof of not-for-profit status**

*If you do not have an active Australian Charities and Not-for-profits Commission (ACNC) registration or state or territory incorporated association registration at the time of application, you must provide Constitutional documents and/or Articles of Association that demonstrate the not for profit character of the organisation.*

- **Trust documents**

*Mandatory for not for profit organisations that are incorporated trustees applying on behalf of a trust. You must provide trust documents showing the relationship of the incorporated trustee to the trust.*

- **Cost benefit analysis**

*Mandatory for projects with a grant request over \$1 million. Further information on how to prepare a cost benefit analysis is available on [business.gov.au](https://business.gov.au)*

- **Project employment evidence**

*In your application, you must include the total employment numbers you expect to create during and following your project. You will need to identify how many of these employees will be Indigenous. You must substantiate any employment numbers with evidence. Refer to the project employment factsheet for guidance.*

- **Evidence of the owner's authority**

*Mandatory for all organisations that do not own the land or infrastructure for their project, to demonstrate they have authorised access to project location and/or infrastructure. The letter template required to demonstrate owner's authority to conduct the project at the nominated site is available at [business.gov.au](https://business.gov.au)*

- **Evidence to support claimed economic and social benefits as identified in Assessment criterion 1 and 2**

*The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You must provide evidence to support your answers against each of the assessment criteria.*

- **Evidence to support your capacity, capacity and resources to deliver the project as identified in Assessment criterion 3**

*The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You must provide evidence to support your answers against each of the assessment criteria.*

- **Evidence to support impact of funding on your project as identified in Assessment criterion 4**

*The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You must provide evidence to support your answers against each of the assessment criteria.*

- **Additional supporting information**

*If you wish to include additional documents, these should be limited to those directly relevant to and supporting the application.*

## **G.4. Indigenous organisation**

Is your organisation Indigenous owned?

*An organisation is considered Indigenous owned where at least 51% of the organisation's members or proprietors are Indigenous.*

Is your organisation Indigenous controlled?

*An organisation is considered Indigenous controlled where at least 51% of the organisation's board or management committee is Indigenous.*

## **G.5. Regional Development Australia Committee**

Do you agree to allow your contact details to be provided to your relevant Regional Development Australia Committee (RDA) once project selection has been finalised.

*Please note, your contact details will be provided for the RDA's information only, to provide awareness of projects in their local region. The RDA may contact you to find out more about your project and discuss how they can assist with further applications. For more information on the role of RDA's, go to [www.rda.gov.au](http://www.rda.gov.au).*

## **H. Primary contact page**

---

You must provide the details of a primary contact for your application. The details include:

- Given name
- Family name
- Position title
- Email address
- Phone number
- Mobile number
- Primary address

## **I. Application declaration**

---

In order to submit your application you will be required to agree to the following declaration.

### **I.1. Privacy and confidentiality provisions**

I acknowledge that this is an Australian Government program and that the Department of Industry, Science, Energy and Resources (the department) will use the information I provide in accordance with the following:

- [Australian Government Public Data Policy Statement](#)
- [Commonwealth Grants Rules and Guidelines](#)
- Building Better Regions Fund – Infrastructure Projects Stream – Round 5 grant opportunity guidelines
- applicable Australian laws

Accordingly, I understand that the department may share my personal information provided in this application within this department and other government agencies:

- a. for purposes directly related to administering the program, including governance, research and the distribution of funds to successful applicants



b. to facilitate research, assessment, monitoring and analysis of other programs and activities unless otherwise prohibited by law.

I understand that where I am successful in obtaining a grant, the financial information that I provide for the purposes of payment will be accessible to departmental staff to enable payments to be made through the department's accounts payable software system.

I understand that information that is deemed 'confidential' in accordance with the grant opportunity guidelines may also be shared for a relevant Commonwealth purpose.

The department will publish information on individual grants in the public domain, including on the department's website, unless otherwise prohibited by law.

## **1.2. Applicant declaration**

I declare that I have read and understood the Building Better Regions Fund – Infrastructure Projects Stream – Round 5 grant opportunity guidelines, including the privacy, confidentiality and disclosure provisions.

I declare that the proposed project outlined in this application and any associated expenditure has been endorsed by the applicant's board/ management committee or person with authority to commit the applicant to this project.

I declare that the applicant will comply with, and require that its subcontractors and independent contractors comply with, all applicable laws.

I declare that the information contained in this application together with any statement provided is, to the best of my knowledge, accurate, complete and not misleading and that I understand that giving of false or misleading information is a serious offence under the *Criminal Code Act 1995* (Cth).

I acknowledge that I may be requested to provide further clarification or documentation to verify the information supplied in this form and that the department may, during the application process, consult with other government agencies, including state and territory government agencies, about the applicant's claims and may also engage external technical or financial advisors to advise on information provided in the application.

I agree to participate in the periodic evaluation of the services undertaken by the department.

I approve the information in this application being communicated to the department in electronic form.

I acknowledge that if the department is satisfied that any statement made in an application is incorrect, incomplete, false or misleading the department may, at its absolute discretion, take appropriate action. I note such action may include excluding an application from further consideration; withdrawing an offer of funding; using the information contained in the application for a fraud investigation that would be consistent with the Australian Government's Investigations Standards and Commonwealth Fraud Control Framework and/or for a grant under management, terminating a grant agreement between the Commonwealth and the grantee including recovering funds already paid.

I declare that I am authorised to submit this form on behalf of the applicant and acknowledge that this is the equivalent of signing this application.



Australian Government

Department of Industry, Science,  
Energy and Resources

Department of Infrastructure, Transport,  
Regional Development and Communications

## Grant Opportunity Guidelines

# Building Better Regions Fund – Infrastructure Projects Stream – Round Five

<b>Opening date:</b>	12 January 2021
<b>Closing date and time:</b>	5.00PM Australian Eastern Daylight Time on 5 March 2021  Please take account of time zone differences when submitting your application.
<b>Commonwealth policy entity:</b>	Department of Infrastructure, Transport, Regional Development and Communications
<b>Administering entity:</b>	Department of Industry, Science, Energy and Resources
<b>Enquiries:</b>	If you have any questions, contact us on 13 28 46.
<b>Date guidelines released:</b>	16 December 2020
<b>Type of grant opportunity:</b>	Open competitive

# A message from the Minister



Our regions have always been integral to our economic success and this has never been more important than right now.

Investing in local communities is at the heart of our plan for a more secure and stronger Australia. In the 2020-21 Budget, we committed a further \$200 million for a fifth round of the Building Better Regions Fund to benefit areas outside major capital cities.

Our regional communities are tough. Country and coastal people are strong. After the prolonged effects of bushfires, drought, flood and now a global pandemic, regional tourism has been hit hard. That's why Round Five of the program includes \$100 million of targeted support for tourism-related infrastructure, with \$100 million for broader community infrastructure and investment.

This brings our total commitment for this highly successful program to more than \$1 billion over seven years.

The Building Better Regions Fund has already delivered significant benefits —creating jobs and driving economic growth — and reflects the Government's commitment to supporting regional communities now and into the future.

I encourage all interested parties to read the grant guidelines and apply for funding under this program, because when our regions are strong, so too is our nation.

**The Hon Michael McCormack MP**

**Deputy Prime Minister**

**Minister for Infrastructure, Transport and Regional Development**

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# 1. Building Better Regions Fund: Infrastructure Projects Stream – Round Five processes

## **The Building Better Regions Fund is designed to achieve Australian Government objectives**

This grant opportunity is part of the above grant program, which contributes to the Department of Infrastructure, Transport, Regional Development and Communications' (DITRDC) Outcome 3. The DITRDC works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines](#).



## **The grant opportunity opens**

We publish the grant guidelines on business.gov.au and GrantConnect.



## **You complete and submit a grant application**

You complete the application form, addressing all the eligibility and assessment criteria in order for your application to be considered.



## **We assess all grant applications**

We review the applications against eligibility criteria and notify you if you are not eligible.  
We assess eligible applications against the assessment criteria including an overall consideration of value with relevant money and compare it to other eligible applications.



## **We make grant recommendations**

We provide advice to the decision maker on the merits of each application.



## **Grant decisions are made**

The decision maker decides which applications are successful.



## **We notify you of the outcome**

We advise you of the outcome of your application. Unsuccessful applicants will be notified after the announcement of successful applicants.



## **We enter into a grant agreement**

We will enter into a grant agreement with successful applicants. The type of grant agreement is based on the nature of the grant and proportional to the risks involved.



## **Delivery of grant**

You undertake the grant activity as set out in your grant agreement. We manage the grant by working with you, monitoring your progress and making milestone payments.



## **Evaluation of the Building Better Regions Fund**

We evaluate the specific grant activity and Building Better Regions Fund as a whole. We base this on information you provide to us and that we collect from various sources.

## 2. About the grant program

The Australian Government has committed a total of \$1.04 billion over seven years from 2017-18 to 2023-24 for the Building Better Regions Fund (the program). The Round Five grant opportunity was announced in Budget Paper 2, *Supporting Regional Australia*. \$200 million is available for this program, with \$100 million of this dedicated to tourism-related infrastructure projects.

The **objectives** of the program are to:

- drive economic growth
- build stronger regional communities into the future.

The intended **outcomes** of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and a sense of identity.

There are two grant opportunity streams as part of this program:

- [Infrastructure Projects Stream](#), as outlined in these guidelines
- [Community Investments Stream](#).

Information about the Community Investments Stream is available on [business.gov.au](https://business.gov.au).

We will publish the [opening and closing dates](#) and any other relevant information on [business.gov.au](https://business.gov.au) and GrantConnect for each grant opportunity separately.

We administer the program according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs).<sup>1</sup>

### 2.1. About the Infrastructure Projects Stream Round Five grant opportunity

These guidelines contain information for the Infrastructure Projects Stream Round Five grant opportunity.

The Infrastructure Projects Stream will support investment ready projects (refer to 2.1.1.) for new infrastructure, or the upgrade or extension of existing infrastructure, that provide economic and social benefits to regional and remote areas.

Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined, with the allocation of funding across these streams dependant on the volume and quality of applications.

As part of the application process, we will ask you to indicate if you are applying for funding for a tourism-related infrastructure project, and if so, to provide information about how your project is related to tourism as outlined below at section 2.1.2.

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<sup>1</sup> <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>



This document sets out:

- the eligibility and assessment criteria
- how we consider and assess grant applications
- how we notify applicants and enter into grant agreements with grantees
- how we monitor and evaluate grantees' performance
- responsibilities and expectations in relation to the opportunity.

The Department of Industry, Science, Energy and Resources (the department/we) is responsible for administering this grant opportunity on behalf of the DITRDC.

- We have defined key terms used in these guidelines in the glossary at section 14.

You should read this document carefully before you fill out an application.

#### 2.1.1. Investment ready projects

The Infrastructure Projects Stream only supports investment ready projects. We consider a project to be investment ready where you have taken steps to allow construction to commence within 12 weeks of executing your grant agreement. This includes where you have:

- the authority of the land or infrastructure owner to undertake the project at the nominated site(s)
- confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with your application
- identified and prepared submissions for all required regulatory and/or development approvals or have already submitted and/or obtained those approvals
- finalised project designs and costings.

For multi-stage projects, the first stage of the project must be investment ready within 12 weeks of executing the grant agreement. You must demonstrate that subsequent stages are investment ready in the progress report immediately preceding the next stage's agreed commencement date, and the entire project (as defined in the BBRF grant agreement) must be complete within the maximum grant period.

#### 2.1.2. Tourism Related Infrastructure project funding - key points

- Round Five of the program incorporates \$100 million towards tourism-related infrastructure projects
- when applying through the online application form, you will be asked to indicate your intention to seek funding for your project from the tourism-related infrastructure projects funding pool
- you will be asked to demonstrate the impact the COVID-19 pandemic has had on your region's tourism industry (or the region that will benefit from your proposed project) and how your project will provide benefits to the tourism industry to assist in mitigating the impact from the COVID-19 pandemic
- you are required to provide evidence to support your claims. You must also meet the eligibility requirements set out in these guidelines
- note that you do not have to be a tourist organisation to apply for the tourism-related infrastructure funding



- [Austrade](#) may be consulted as part of the assessment process for tourism-related infrastructure project funding<sup>2</sup>.

If you do not clearly articulate how your project will provide benefits to the tourism industry in the region to assist in mitigating the impact of the COVID-19 pandemic, and support those claims with tangible evidence, your application will not be considered for the \$100 million tourism-related infrastructure project funding. It will be considered with the general infrastructure project applications instead.

### 3. Grant amount and grant period

Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined, with the allocation of funding across these streams dependent on the volume and quality of applications.

#### 3.1. Grants available

Your grant amount will be a percentage of the total eligible project costs (grant percentage) based on your project circumstances as outlined in Table 1 below.

- The minimum grant amount is \$20,000
- The maximum grant amount is \$10 million.

You can fund your contribution from any source including state, territory and local government grants. Your contribution must be cash.

Where you receive a cash contribution from another source (e.g. state government), the source must provide you with formal documentation confirming the cash contribution so you can attach it to your application.

Your contribution can also come from the Aboriginal Benefits Account, Financial Assistance Grants to local government, and fully repayable loans from organisations such as Indigenous Business Australia and the Northern Australia Infrastructure Facility, as these are not considered Commonwealth funding. Please check the individual agreements to ensure you can use the funds as your contribution to your proposed BBRF project.

Where you receive other Commonwealth funding for your project, the total Commonwealth funding cannot exceed the percentage indicated in the table below.

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<sup>2</sup> <https://www.austrade.gov.au/>

Table 1: Project circumstance and your grant amount

Project circumstance	Total Commonwealth Government funding (including this grant) towards eligible project costs*
Projects classified as remote or very remote (see section 5.2.1)	Up to 75 per cent of total eligible project costs
Projects granted exceptional circumstances exemption from a cash contribution (see section 4.2.1)	Up to 100 per cent of total eligible project costs (we encourage any level of contribution)
All other classifications	Up to 50 per cent of total eligible project costs

\*Total eligible project costs include the grant amount and your cash contribution. We will pay the grant in accordance with the agreed grant percentage of total eligible project costs up to the approved grant amount.

### 3.2. Project period

You must complete your project by the project end date specified in your grant agreement, which cannot be after 31 December 2023.

## 4. Eligibility criteria

We cannot consider your application if you do not satisfy all eligibility criteria.

### 4.1. Who is eligible?

To be eligible you must be the key driver of the project and:

- have an Australian Business Number (ABN)

and be one of the following incorporated entities:

- an incorporated not-for-profit organisation. As a not-for-profit organisation you must demonstrate your not-for-profit status through one of the following:
  - Current Australian Charities and Not-for-profits Commission's (ACNC) Registration
  - State or territory incorporated association status
  - Constitutional documents and/or Articles of Association that demonstrate the not-for-profit character of the organisation
- an Australian local government agency or body as defined in the glossary
- non-distributing co-operatives.

For the purposes of the program, we also consider the following organisations to be an Australian local government agency or body:

- Anangu Pitjantjatjara, Maralinga, Gerard, Nepabunna and Yalata local governing bodies in South Australia
- Cocos (Keeling) Islands Shire Council
- Lord Howe Island Board
- Norfolk Island Regional Council
- The Outback Communities Authority

- The Shire of Christmas Island
- The Silverton and Tibooburra villages in New South Wales
- The Trust Account in the Northern Territory
- Australian Capital Territory Government.

## 4.2. Additional eligibility requirements

We can only accept applications where:

- your project is located in an eligible location as outlined under section 5.2
- you can produce evidence of how you will provide your share of project costs:
  - if you will be making a cash contribution to the project you must use the Accountant Declaration form available on [business.gov.au](https://business.gov.au) and GrantConnect
  - if your project will receive cash contributions from other sources, you must provide formal documentation confirming the cash contributions from those sources (e.g. state government) such as a commercial finance agreement or letter of offer with your application.
- you can confirm that you have the authority of the land or infrastructure project owner to undertake the project at the nominated site(s). You are required to provide a letter from the land or infrastructure project owner using the letter template provided on [business.gov.au](https://business.gov.au).

We cannot waive the eligibility criteria under any circumstances.

### 4.2.1. Seeking an exceptional circumstances exemption from your cash contribution to the project

We recognise that some applicants may be experiencing exceptional circumstances, including the particular impact the COVID-19 pandemic has had on regional tourism, which may limit their capacity to contribute to the project.

Exceptional circumstances may include:

- drought and/or disaster declaration
- limited financial capacity of the local council
- impact of industry decline
- significant recent change in population or community demographics
- other exceptional circumstances.

Where you can demonstrate you are experiencing exceptional circumstances, you may seek an exemption from your cash contribution to the project in your application.

Before you consider seeking an exemption, note:

- we will only grant exemptions in very limited circumstances
- if the evidence provided does not include how the exceptional circumstance is preventing you from meeting your cash contribution requirement, or is deemed insufficient, your application will be deemed ineligible and there will be no opportunity to resubmit your application in the same funding round
- we assess all applications, including those granted an exemption, against each of the assessment criteria.

If you seek an exemption, you must submit a supporting case that includes evidence demonstrating the exceptional circumstances you are experiencing, and how they are preventing you from making a cash contribution. This must also include evidence to demonstrate the capacity to maintain and fully utilise the project.

The Ministerial Panel will consider requests for exemption. If the Ministerial Panel grants an exemption, we will consider your application to have met the requirements under section 4.2.1. If you apply for, but are not granted an exemption, your application will not be assessed for funding.

### 4.3. Who is not eligible?

You are not eligible to apply if you are:

- a for-profit organisation
- an individual, partnership or trust (however, an incorporated trustee may apply on behalf of a not-for-profit trust organisation)
- a Commonwealth, state or territory government agency or body (including government business enterprises) with the exception of those organisations referred to in section 4.1.
- a university, technical college, school or hospital
- a Regional Development Australia Committee.

### 4.4. What qualifications or skills are required?

If you are successful, relevant personnel working on the project must maintain the following registration/checks:

- Working with Children check
- Working with Vulnerable People registration.

## 5. What the grant money can be used for

### 5.1. Eligible activities

To be eligible your project must:

- be aimed at the construction, upgrade or extension of infrastructure that provides economic and social benefits to regional and remote areas
- comprise one of the following activities:
  - the construction of new infrastructure
  - the upgrade to existing infrastructure
  - the extension of existing infrastructure
  - the replacement of infrastructure where there is a significant increase in benefit
- not have started construction.

We may also approve other activities.

### 5.2. Eligible locations

Your project must not be located in an excluded area unless you can clearly demonstrate the significant benefits and employment outcomes, which flow directly into an eligible area. A mapping tool is available on [business.gov.au](https://business.gov.au) to assist you in determining the eligibility of your project location. Your project can include activities at different sites, as long as they are in an eligible

location or you can demonstrate the significant benefits and employment outcomes, which flow directly into an eligible location.

Excluded areas are the Urban Centre and Locality (UCL) cities over 1 million people for Sydney, Melbourne, Brisbane, Perth and Adelaide as defined by the Australian Bureau of Statistics' Australian Statistical Geography Standard. For the city of Canberra, the excluded area is only the part of the Canberra-Queanbeyan Significant Urban Area that is located within the Australian Capital Territory.

### 5.2.1. Project remoteness classification and your grant amount

Your project location (latitude and longitude) determines your remoteness classification. We base the criteria for the remoteness classification on the Australian Bureau of Statistics' Remoteness Structure<sup>3</sup> under the Australian Statistical Geography Standard. A mapping tool is available on [business.gov.au](http://business.gov.au) to assist you in determining the location of your project.

Your contribution to the project depends on your remoteness classification. It is critical that you specify the correct remoteness classification in your application. An error may cause your contribution to be inadequate and your application to be ineligible.

Your project may include multiple site locations. Where there is a mix of regional and remote site locations we will consider your entire project location as remote for the purposes of your contribution.

### 5.3. Eligible expenditure

You can only spend grant funds on eligible expenditure you have incurred on an agreed project as defined in your grant agreement:

- for guidelines on eligible expenditure, see Appendix A
- for guidelines on ineligible expenditure, see Appendix B.

If your application is successful, we may ask you to verify project costs that you provided in your application are eligible. You may need to provide evidence such as quotes for major costs and evidence of investment-readiness as outlined under 2.1.1.

Not all expenditure on your project may be eligible for grant funding. The Program Delegate makes the final decision on what is eligible expenditure, and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be a direct cost of the project
- be incurred by you for required project audit activities.

You must incur the project expenditure between the project start and end date for it to be eligible.

You must not commence your project until you execute a grant agreement with the Commonwealth. **We will not make any payments to you for any expenditure you have incurred prior to the execution of your grant agreement.**

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<sup>3</sup> <http://www.abs.gov.au/websitedbs/d3310114.nsf/home/remoteness+structure>

## 6. The assessment criteria

You must address all assessment criteria in your application. We will assess your application based on the weighting given to each criterion.

The application form asks questions that relate to the assessment criteria below. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You must provide evidence to support your answers against each of the assessment criteria. The application form displays size limits for answers.

We will only consider funding applications that score at least 60 per cent against each assessment criterion, as these represent best value with relevant money.

### 6.1. Assessment criterion 1

#### **Economic benefits of your project for the region (15 points)**

You should demonstrate this by identifying:

- a. the extent to which your project meets the needs of the regional community
- b. the broader economic benefits that your project will deliver for the region and community during and beyond the term of funding.

**Economic** benefits for a region may cover increases in economic activity, improvements in productivity, wider access to markets or fairer and more equitable economic outcomes.

Examples of how your project could deliver economic benefits may include but is not limited to:

- increasing the number or value of jobs, new businesses or the production of goods and services in the region (this includes direct and indirect opportunities created through the project)
- providing opportunities for growth and/or increasing efficiencies in existing sectors, e.g. tourism, agriculture, manufacturing
- the use of local suppliers and goods, especially those that employ the use of sustainable work practices/goods
- increasing efficiency of the transport system or service delivery
- increasing Indigenous economic participation, including Indigenous employment and supplier-use outcomes.

In your application, you must include the total employment numbers you expect to create during and following your project. You will need to identify how many of these employees will be Indigenous. You must substantiate any employment numbers with evidence.

### 6.2. Assessment criterion 2

#### **Social benefits of your project for the region (15 points)**

You should demonstrate this by identifying:

- a. the extent to which your project meets the needs of the regional community
- b. the broader social benefits that your project will deliver for the region and community during and beyond the term of funding.

**Social** benefits for a region may cover increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation.

Examples of how your project could deliver social benefits may include but is not limited to:

- making a region a more attractive place to live
- the degree to which the project fills a 'gap' within the community
- improving community connections and social inclusion
- supporting or protecting local heritage and culture
- increasing community volunteering
- addressing disadvantage within the community.

### 6.3. Assessment criterion 3

#### **Capacity, capability and resources to deliver the project (5 points)**

You should demonstrate this by identifying:

- a. your track record managing similar projects and access to personnel and/or partners with the right skills and experience
- b. your readiness to commence the project, including your access to any required resources such as infrastructure, capital equipment or technology. You should describe the steps you have taken to allow construction to commence in the immediate future including the status of:
  - required regulatory and/or development approvals
  - project designs and costings
  - authority from the land or infrastructure owner to undertake the project at the nominated site(s)
  - funding contributions from all sources.
- c. sound project planning to manage and monitor the project, which addresses scope, implementation methodology, timeframes, budget and risk management (including mitigation of health risks associated with the current COVID-19 pandemic)
- d. how you will operate and maintain the infrastructure and benefits of the project into the future.

**If your project is still in the planning or concept stage, it is not likely to be competitive.**

### 6.4. Assessment criterion 4

#### **Impact of funding on your project (5 points)**

You should demonstrate this by identifying:

- a. your plan for engagement and collaboration to ensure community support for your project. In your response you can describe:
  - the total investment the grant will leverage including additional cash contribution and in-kind support
  - the extent that your project increases investment and builds partnerships in your region.
- b. the likelihood the project would proceed without the grant. If not, why not? Explain how the grant will impact the project in terms of size, timing and reach.
- c. if you have already received Commonwealth funding for this project or an associated project, explain why you need additional funding.

## 7. How to apply

Before applying, you should read and understand these guidelines, the sample [application form](#) and the sample [grant agreement](#) published on [business.gov.au](#) and GrantConnect.

We encourage you to seek the support of your [Regional Development Australia](#)<sup>4</sup> (RDA) Committee for your project. Your RDA Committee can:

- assist you in identifying and developing a strong project proposal which is a priority within your region and will contribute to long term economic growth
- work with you to prepare a competitive application, including supporting documents and evidence.

If you are applying for tourism-related infrastructure project funding, you may also want to discuss your proposed project with independent regional, state/territory tourism organisations to assist in identifying key elements of your project that can support broader tourism stimulus and investment initiatives – evidence of which may be provided as a supporting document in your application.

You can only submit an application during a funding round.

To apply, you must:

- complete the online [program application form](#) on [business.gov.au](#)
- provide all the information requested
- address all eligibility and assessment criteria
- include all necessary attachments.

You will receive confirmation when you submit your application, and we recommend you view and print a copy of your submitted application from the portal at that time for your own records.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). If we consider you to have provided false or misleading information, we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 13 28 46.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

If you need further guidance around the application process, or if you are unable to submit an application online, [contact us](#) at [business.gov.au](#) or by calling 13 28 46.

### 7.1. Attachments to the application

We require the following documents with your application as per Table 2:

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<sup>4</sup> <https://rda.gov.au/>



Table 2: Mandatory attachments to the application

Applicant type	Document
Mandatory for applicants seeking to classify their projects as tourism-related infrastructure	<ul style="list-style-type: none"> <li>Evidence to demonstrate your case for the project being considered tourism-related infrastructure, and to demonstrate the region where the project is to be located, or the region which will benefit from the project, has sustained economic impact to the local tourism industry as a result of COVID-19, as per Section 2.1.2.</li> </ul>
Mandatory for all applicants making a cash contribution to the project	<ul style="list-style-type: none"> <li>If you are making a cash contribution to the project, you must provide an Accountant Declaration that confirms you can fund your share of the project costs. You must use the Accountant Declaration form available on <a href="https://business.gov.au">business.gov.au</a> and GrantConnect.</li> <li>If your project will receive cash contributions from other sources, you must attach a letter/s from each contributing organisation or individual that includes formal documentation confirming the cash contributions they will make towards the project. A template is provided on <a href="https://business.gov.au">business.gov.au</a> and <a href="#">GrantConnect</a>. Letters must: <ul style="list-style-type: none"> <li>be on the organisation's letterhead (not applicable for individuals)</li> <li>be signed and dated by an authorised person or the individual providing the contribution</li> <li>set out the value and timing of cash contributions and any conditions attached</li> <li>include the commercial agreement or letter of offer to verify that the cash contribution has been committed to the project (not applicable for individuals).</li> </ul> </li> </ul>
Mandatory for applicants seeking an exceptional circumstances exemption from the cash contribution requirements	Evidence to demonstrate your case for exemption as outlined in 4.2.1.
Mandatory for not-for-profit organisations	If you do not have an active Australian Charities and Not-for-profits Commission (ACNC) registration or state or territory incorporated association registration at the time of application, you must provide Constitutional documents and/or Articles of Association that demonstrate the not-for-profit character of the organisation.
Mandatory for not-for-profit organisations that are incorporated trustees applying on behalf of a trust	Trust documents showing the relationship of the incorporated trustee to the trust.

Applicant type	Document
Mandatory for projects with a grant request over \$1 million	Cost benefit analysis. Further information on how to prepare a cost benefit analysis is available on <a href="https://business.gov.au">business.gov.au</a> .
Mandatory for all organisations that do not own the land or infrastructure for their project, to demonstrate they have authorised access to the project location(s) and/or infrastructure	Evidence of the owner's authority to conduct the project at the nominated site(s) using the letter template at <a href="https://business.gov.au">business.gov.au</a> and <a href="#">GrantConnect</a> .

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. We will not consider information in attachments that we do not request.

## 7.2. Timing of grant opportunity

The outcome of the grant selection process is expected to be announced mid-2021.

You can only submit an application between the published opening and closing dates. We only accept late applications where:

- a natural disaster has occurred in your area, which has affected the submission of an application.

If you are successful, you can commence your project from the date you execute a grant agreement with the Commonwealth.

Table 3: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	9 weeks
Approval of outcomes of selection process	8 weeks
Negotiations and award of grant agreements	1-5 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of project	From execution of your grant agreement
End date of grant commitment	30 June 2024

## 8. The grant selection process

We first review your application against the eligibility criteria. If eligible, we will then assess it against the assessment criteria. Only eligible applications will proceed to the assessment stage.

We consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications
- whether it provides value with relevant money
- your past performance with project delivery.

When assessing whether the application represents value with relevant money, we will consider the:

- overall objectives of the grant opportunity
- evidence provided to demonstrate how your project contributes to meeting those objectives
- relative value of the grant sought.

We assess applications relative to the project size, complexity and grant amount requested. The amount of detail and supporting evidence you provide in your application should be relative to these factors.

We may seek advice regarding your project from state or territory government agencies, other Australian Government agencies, independent experts and other external parties, including Austrade if you are applying for tourism-related infrastructure project funding. This advice may be taken into consideration when assessing the project.

If we identify unintentional errors in your application during the assessment process, we may contact you to correct or clarify the errors, but you cannot make any material alteration or addition.

### 8.1. Who will approve grants?

A Ministerial Panel, chaired by the Minister for Infrastructure, Transport and Regional Development, will be established to make funding decisions for the program.

After considering the assessed application and availability of grant funds, the Ministerial Panel, in consultation with Cabinet, then decides which grants to approve. The Ministerial Panel may consider other factors when deciding which projects to fund, including, but not limited to:

- the spread of projects and funding across regions
- the regional impact of each project, including Indigenous employment and supplier-use outcomes
- other similar existing or planned projects in the region to ensure that there is genuine demand and/or no duplication of facilities or services
- other existing or planned projects in the region, and the extent to which the proposed project supports or builds on those projects and the services they offer
- the level of funding allocated to an applicant in previous programs
- reputational risk to the Australian Government
- the Australian Government's priorities. Round Five of the program includes \$100 million of funding dedicated to supporting tourism-related infrastructure projects.

The Ministerial Panel's decision is final in all matters, including:

- the approval of applications for funding
- the amount of grant funding awarded
- the terms and conditions of funding.

We cannot review decisions about the merit of your application.

## 9. Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with us. You can submit a new application for the same (or similar) project in any future funding rounds. You should include new or more information to address the weaknesses that prevented your previous application from being successful.

## 10. Successful grant applications

### 10.1. Grant agreement

You must enter into a legally binding grant agreement with the Commonwealth. The grant agreement has general terms and conditions that cannot be changed. A sample [grant agreement](#) is available on [business.gov.au](https://business.gov.au) and GrantConnect.

We must execute a grant agreement with you before we can make any payments. Execute means both you and the Commonwealth have signed the agreement. We are not responsible for any expenditure you incur until a grant agreement is executed.

The approval of your grant may have specific conditions determined by the assessment process or other considerations made by the Ministerial Panel. We will identify these in the offer of funding.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

### 10.2. Standard grant agreement

We will use a standard grant agreement for all projects.

You will have 60 days from the date of a written offer to execute this grant agreement with the Commonwealth. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application. We will review any required changes to these details to ensure they do not impact the project as approved by the Ministerial Panel.

### 10.3. Project specific legislation, policies and industry standards

You must comply with all relevant laws and regulations in undertaking your project. You must also comply with the specific legislation/policies/industry standards that follow. It is a condition of the grant funding that you meet these requirements. We will include these requirements in your grant agreement.

In particular, you will be required to comply with:

- State/territory legislation in relation to working with children
- *Code for the Tendering and Performance of Building Work 2016*<sup>5</sup> ([Building Code 2016](#))
- Australian Government Building and Construction WHS Accreditation Scheme<sup>6</sup> ([WHS Scheme](#))

These regulations are subject to the level of funding you receive as outlined below.

To be eligible, you must declare in your application that you comply with these requirements. You will need to declare you can meet these requirements in your grant agreement with the Commonwealth.

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<sup>5</sup> <https://www.abcc.gov.au/building-code>

<sup>6</sup> <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>

### 10.3.1. Building and Construction Requirements

Wherever the government funds building and construction activities, the following special regulatory requirements apply.

- *Code for the Tendering and Performance of Building Work 2016*<sup>7</sup> ([Building Code 2016](#))
- Australian Government Building and Construction WHS Accreditation Scheme<sup>8</sup> ([WHS Scheme](#))

These regulations are subject to the level of funding you receive as outlined below.

#### 10.3.1.1. Building Code

The Building Code is administered by relevant state and territory administrations under relevant state or territory legislation on behalf of the Australian Building and Construction Commission.<sup>9</sup>

The Building Code applies to all construction projects funded by the Australian government through grants and other programs where:

- the value of Australian Government contribution to a project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- regardless of the proportion of Australian Government funding, where the Australian Government contribution to a project is \$10 million or more.

#### 10.3.1.2. WHS Scheme

The WHS Scheme is administered by the Office of the Federal Safety Commissioner.<sup>10</sup>

The Scheme applies to projects that are directly or indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is at least \$6 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government contribution to a project is \$10 million (GST inclusive) or more, irrespective of the proportion of Australian Government funding; and
- a head contract under the project includes building work of \$4 million or more (GST Inclusive).

### 10.4. How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay
- proportion of eligible expenditure covered by the grant (grant percentage)
- any financial contribution provided by you or a third party.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

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<sup>7</sup> <https://www.abcc.gov.au/building-code/building-code-2016>

<sup>8</sup> <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>

<sup>9</sup> <https://www.abcc.gov.au/>

<sup>10</sup> <http://www.fsc.gov.au/sites/FSC>

We may make an initial payment on execution of the grant agreement. We will make subsequent payments as you achieve milestones in arrears, based on your actual eligible expenditure. Milestone payments are subject to satisfactory progress on the project.

Note that if you request an upfront initial payment, we will request additional financial information from you, to verify your organisation is unable to cover the costs associated with your project without that initial grant payment.

We set aside at least 10 per cent of the total grant funding for the final payment. We will pay this when you submit a satisfactory end of project report demonstrating you have completed outstanding obligations for the project. We may need to adjust your progress payments to align with available program funds across financial years and/or to ensure we retain a minimum 10 per cent of grant funding for the final payment.

The Program Delegate may approve alternative arrangements on a discretionary basis.

## 10.5. Tax obligations

If you are registered for the Goods and Services Tax (GST), where applicable we will add GST to your grant payment and provide you with a recipient created tax invoice. You are required to notify us if your GST registration status changes during the project period. GST does not apply to grant payments to government related entities<sup>11</sup>.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on tax.

## 11. Announcement of grants

We will publish non-sensitive details of successful projects on GrantConnect. We are required to do this by the [Commonwealth Grants Rules and Guidelines](#) unless otherwise prohibited by law. We may also publish this information on business.gov.au. This information may include:

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

## 12. How we monitor your grant activity

### 12.1. Keeping us informed

You should let us know if anything is likely to affect your project or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due.

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<sup>11</sup> See Australian Taxation Office ruling GSTR 2012/2 available at [ato.gov.au](#)

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

You must notify us of events relating to your project and provide an opportunity for the Minister or their representative to attend.

## 12.2. Reporting

You must submit reports in line with the grant agreement. We will provide the requirements for these reports as appendices in the grant agreement. We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed project milestones
- project expenditure, including expenditure of grant funds
- contributions of participants directly related to the project.

The amount of detail you provide in your reports should be relative to the project size, complexity and grant amount.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

### 12.2.1. Progress reports

Progress reports must:

- include details of your progress towards completion of agreed project activities
- include the agreed evidence as specified in the grant agreement
- show the total eligible expenditure incurred to date
- include evidence of expenditure (if requested)
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant project activities).

We will only make grant payments when we receive progress reports showing satisfactory progress on the project.

You must discuss any project or milestone reporting delays with us as soon as you become aware of them.

### 12.2.2. End of project report

When you complete the project, you must submit an end of project report.

End of project reports must:

- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred for the project

- include a declaration that the grant money was spent in accordance with the grant agreement and report on any underspends of the grant money
- be submitted by the report due date
- be in the format provided in the grant agreement.

### 12.2.3. Ad-hoc reports

We may ask you for ad-hoc reports on your project. This may be to provide an update on progress, or any significant delays or difficulties in completing the project.

### 12.3. Independent audits

We may ask you to provide an independent audit report. An audit report will verify that you spent the grant in accordance with the grant agreement. The audit report requires you to prepare a statement of grant income and expenditure. The report template is available on [business.gov.au](https://business.gov.au) and GrantConnect.

### 12.4. Compliance visits

We may visit you during the project period, or at the completion of your project to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. For large or complex projects, we may visit you after you finish your project. We will provide you with reasonable notice of any compliance visit.

### 12.5. Grant agreement variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a variation to your grant agreement, including:

- changing project milestones
- extending the timeframe for completing the project but within the maximum time period (i.e. 31 December 2023) referred to in section 3.2.
- changing project activities.

Note the program does not allow for:

- an increase of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date.

If a delay in the project causes milestone achievement and payment dates to move to a different financial year, you will need a variation to the grant agreement. We can only move funds between financial years if there is enough program funding in the relevant year to allow for the revised payment schedule. If we cannot move the funds, you may lose some grant funding.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the project outcome
- consistency with the program policy objective, grant opportunity guidelines and any relevant policies of the department
- changes to the timing of grant payments
- availability of program funds.



## 12.6. Evaluation

We will evaluate the program to measure how well the outcomes and objectives have been achieved. We may use information from your application and project reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you, and to evaluate how effective the program was in achieving its outcomes.

We may contact you up to two years after you finish your project for more information to assist with this evaluation.

## 12.7. Grant acknowledgement

If you make a public statement about a project funded under the program, including in a brochure or publication, you must acknowledge the grant by using the following:

‘This project received grant funding from the Australian Government.’

If you erect signage in relation to the project, the signage must contain an acknowledgement of the grant.

## 12.8. Maintaining project benefits

In your grant agreement, you will be required to commit to operate and maintain your project infrastructure and deliver project benefits into the future. In line with your grant agreement, the operational periods are relative to total eligible project cost.

Table 4 – Operational periods for maintaining project benefit

Project Cost	Number of years
< \$250,000	1 year
\$250,000 to \$1 million	3 years
> \$1 million	5 years
Projects granted an exceptional circumstances exemption from a cash contribution (see section 4.2.1)	5 years

## 13. Probity

We will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

### 13.1. Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if our staff, any member of a committee or advisor and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer or member of an external panel

- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicant from carrying out the proposed activities fairly and independently or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity.

As part of your application, we will ask you to declare any perceived or existing conflicts of interests or confirm that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform us in writing immediately.

Conflicts of interest for Australian Government staff are handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#)<sup>12</sup> of the *Public Service Act 1999* (Cth). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our [conflict of interest policy](#)<sup>13</sup> on the department's website.

## 13.2. How we use your information

Unless the information you provide to us is:

- confidential information as per 13.2.1, or
- personal information as per 13.2.3,

we may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

### 13.2.1. How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

### 13.2.2. When we may disclose confidential information

We may disclose confidential information:

- to the Ministerial Panel and our Commonwealth employees and contractors, to help us manage the program effectively

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<sup>12</sup> <https://www.legislation.gov.au/Details/C2019C00057>

<sup>13</sup> [https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf\\_files\\_redirect](https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf_files_redirect)

- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister
- to a House or a Committee of the Australian Parliament.

We may also disclose confidential information if

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

### 13.2.3. How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, the Ministerial Panel, and other Commonwealth employees and contractors, so we can:

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)<sup>14</sup> on the department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

### 13.2.4. Freedom of information

All documents in the possession of the Australian Government, including those about the program, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

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<sup>14</sup> <https://www.industry.gov.au/data-and-publications/privacy-policy>

### 13.3. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46, by [web chat](#) or through our [online enquiry form](#) on business.gov.au.

We may publish answers to your questions on our website as Frequently Asked Questions.

Our [Customer Service Charter](#) is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

Head of Division

AusIndustry – Support for Business

Department of Industry, Science, Energy and Resources

GPO Box 2013

CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman](#)<sup>15</sup> with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

## 14. Glossary

Term	Definition
Application form	The document issued by the Program Delegate that applicants use to apply for funding under the program.
AusIndustry	The division of the same name within the department.
Cash contributions	<p>Money contributed to the project from each contributing organisation (the grantee and other contributing organisations), and is provided to the grantee for the project and is immediately available for use on the project.</p> <p>Cash contributions can come from any source including state, territory and local government grants.</p> <p>Cash contributions can also come from the Aboriginal Benefits Account, Financial Assistance Grants to local government and fully repayable loans from organisations such as Indigenous Business Australia and the Northern Australia Infrastructure Facility, as these are not considered Commonwealth funding. Please check the individual agreements to ensure you can use the funds as your contribution to your proposed BBRF project.</p>

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<sup>15</sup> <http://www.ombudsman.gov.au/>

Term	Definition
Decision Maker	The Ministerial Panel, chaired by the Minister for Infrastructure, Transport and Regional Development, which will be established to make funding decisions for the program.
Department	The Department of Industry, Science, Energy and Resources.
Eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support as set out in 5.1.
Eligible application	An application or proposal for grant funding under the program that the Program Delegate has determined is eligible for assessment in accordance with these guidelines.
Eligible expenditure	The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 5.3 and at Appendix A. You can only use BBRF grant funds or cash contributions for eligible expenditure directly related to the project.
Eligible expenditure guidance	The guidance that is provided at Appendix A.
Grant agreement	A legally binding contract between the Commonwealth and a grantee for the grant funding.
Grant funding or grant funds	The funding made available by the Commonwealth to grantees under the program.
<a href="#">GrantConnect</a>	The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
Grantee	The recipient of grant funding under a grant agreement.
Guidelines	Guidelines that the Minister gives to the department to provide the framework for the administration of the program, as in force from time to time.
Incurred	An incurred expense is a legal liability for receiving goods or services.
Infrastructure	Fixed physical structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a community.

Term	Definition
Investment ready project	<p>Project construction is ready to commence in the immediate future and where you have:</p> <ul style="list-style-type: none"> <li>the authority of the land or infrastructure owner to undertake the project at the nominated site</li> <li>confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with your application</li> <li>identified and prepared submissions for all required regulatory and/or development approvals or have already submitted and/or obtained those approvals, finalised project designs and costings.</li> </ul>
Local government agency or body	A local governing body as defined in the <i>Local Government (Financial Assistance) Act 1995</i> (Cth).
Minister	The Commonwealth Minister for Infrastructure, Transport and Regional Development
Ministerial Panel	The panel of Ministers that make decisions on projects to be funded.
Not-for-profit (NFP)	A not-for-profit is an organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives). The definition of not-for-profit applies both while the organisation is operating and if it closes down.
Payment in advance	Payments made progressively in advance based on your forecast eligible expenditure and adjusted for unspent amounts from previous payments.
Payment in arrears	Payments made progressively based on actual expenditure.
Personal information	<p>Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is:</p> <p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ol style="list-style-type: none"> <li>whether the information or opinion is true or not; and</li> <li>whether the information or opinion is recorded in a material form or not.</li> </ol>
Program Delegate	An AusIndustry general manager or manager within the department with responsibility for the program.
Program funding or Program funds	The funding made available by the Commonwealth for the program.

Term	Definition
Project	A project described in an application for grant funding under the program.
Project location	Where the project is undertaken, as determined by its latitude and longitude.
Project period	The time between the project start date and project end date as detailed in the grant agreement.
Project start date	The date as detailed in the grant agreement, which cannot be before grant agreement execution.
Project end date	The date as detailed in the grant agreement, which cannot be after 31 December 2023.
Total eligible project costs	This is the grant amount plus your cash contribution to be spent on eligible activities directly related to the project.
Tourism-related infrastructure project	An Infrastructure project designed to assist in mitigating the economic impact of the COVID-19 pandemic on the region's tourism industry.
Value with relevant money	The processes, actions and behaviours employed by the Australian Government and grant recipients which result in public resources being used in an efficient, effective, economical and ethical manner.

## Appendix A. Eligible expenditure

This section provides guidance on the eligibility of expenditure.

The Program Delegate makes the final decision on what is eligible expenditure in accordance with the guidelines and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be incurred by you within the project period, and
- be a direct cost of the project, or
- be incurred by you to undertake required project audit activities, and
- meet the eligible expenditure guidelines.

You can only use BBRF grant funds or cash contributions for eligible expenditure. Non-cash contributions are not eligible. For BBRF purposes, non-cash contributions have the following characteristics:

- no impact on entity cash flow
- no record in the entity's statement of financial performance.

In-kind contributions are not eligible expenditure.

### A.1 How we verify eligible expenditure

If your application is successful, we will ask you to verify the project budget that you provided in your application when we negotiate your grant agreement. You may need to provide evidence such as quotes for major costs.

The grant agreement will include details of the evidence you may need to provide when you achieve certain milestones in your project. This may include evidence related to eligible expenditure.

If requested, you will need to provide the agreed evidence along with your progress reports.

You must keep payment records of all eligible expenditure, and be able to provide evidence as to how the costs relate to the agreed project activities. At any time, we may ask you to provide records of the expenditure you have paid. If you do not provide these records when requested, the expense may not qualify as eligible expenditure.

At the end of the project, you may be required to provide an independent financial audit of all eligible expenditure from the project.

### A.2 Materials for construction

We consider costs of acquiring materials for the construction of infrastructure as eligible expenditure. Where possible, you should use sustainable, recycled or repurposed materials. You must list material costs as a separate item within your project budget in the application form and in the expenditure table in your progress reports.

We will not make any payments to you for any expenditure you have incurred prior to the execution of your grant agreement. Examples of eligible material costs can include:

- building materials
- ICT cabling
- fit out of the infrastructure, such as window dressings
- fixed furniture (e.g. kitchen fit outs as part of the construction of a building)



- landscaping.

You may show expenditure on materials by providing evidence of:

- purchase price
- payments (e.g. tax invoices and receipts from suppliers confirming payment)
- commitment to pay for the materials (e.g. supplier contract, purchase order or executed lease agreement)
- receipt of materials (e.g. supplier or freight documents)
- associated costs such as freight and installation (e.g. supplier documents)
- photographs of the infrastructure on your premises.

If you claim expenditure for materials, we limit this to:

- the costs of materials
- freight costs.

### A.3 Hired/leased plant

You may lease plant and equipment to support your project, and where possible, you should use local suppliers.

You must calculate eligible expenditure for hired, rented, or leased plant by the number of payment periods where you use the plant for the project multiplied by the period hiring fee. If you purchase plant under a hire purchase agreement, or you use a lease to finance the purchase of the plant, the cost of the item of plant, excluding interest, is capitalised, and then depreciated.

Running costs for hired or leased plant are eligible expenditure but you must be able to verify them. They may include items such as rent, light and power, and repairs and maintenance.

### A.4 Contract expenditure

Eligible contract expenditure is the cost of work undertaken on any agreed eligible project activities that you contract others to do. This can include contracting:

- another organisation
- an individual who is not an employee, but engaged under a separate contract.

This does not include existing employees that you pay a salary or a wage.

Where possible, you should engage local contractor/operators. All contractors must have a written contract prior to starting any project work—for example, a formal agreement, letter or purchase order which specifies:

- the nature of the work they perform
- the applicable fees, charges and other costs payable.

Invoices from contractors must contain:

- a detailed description of the nature of the work
- the hours and hourly rates involved
- any specific plant expenses paid.

Invoices must directly relate to the agreed project, and the work must qualify as an eligible expense. The costs must also be reasonable and appropriate for the activities performed.

We will require evidence of contractor expenditure that may include:

- an exchange of letters (including email) setting out the terms and conditions of the proposed contract work
- purchase orders
- supply agreements
- invoices and payment documents.

You must ensure all project contractors keep a record of the costs of their work on the project. We may require you to provide a contractor's records of their costs of doing project work. If you cannot provide these records, the relevant contract expense may not qualify as eligible expenditure.

## A.5 External labour hire and external consulting expenditure

Eligible external labour and external consulting expenditure for the grant covers the cost of contracting others on the core elements of the project related to construction. Where possible, you should engage local labour and services.

Eligible external labour hire and external consulting expenditure may include:

- Architect services
- Design services
- Project management
- Quantity surveying
- Building services.

Costs for pre-construction activities including architect services, design, surveying, planning, environmental or other regulatory approvals (A.5 and A.6), are limited to 20 per cent of the total amount of eligible project expenditure claimed.

## A.6 Other eligible expenditure

Other eligible expenditures for the project may include:

- financial auditing of project expenditure
- costs you incur in order to obtain planning, environmental or other regulatory approvals during the project period. However, associated fees paid to the Commonwealth, state, territory and local governments are not eligible.
- agreed Building Better Regions Fund signage if applicable as outlined in 12.7 of these guidelines.

Other specific expenditures may be eligible as determined by the Program Delegate in accordance with the CGRGs and Government practice.

Evidence you need to supply can include but is not limited to supplier contracts, purchase orders, invoices and supplier confirmation of payments.

## Appendix B. Ineligible expenditure

This section provides guidance on what we consider ineligible expenditure. We may update this guidance from time to time, so you should make sure you have the current version from the [business.gov.au](https://business.gov.au) website before preparing your application.

The Program Delegate may impose limitations or exclude expenditure, or further include some ineligible expenditure listed in these guidelines in a grant agreement or otherwise by notice to you.

Examples of ineligible expenditure include:

- purchase of land or existing infrastructure, including the costs associated with sub-division of land
- repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit
- purchase and installation of manufacturing equipment
- purchase of unfixed furniture, such as desks and fridges
- ongoing operating costs, including utilities
- ICT equipment, including software or hardware that is not an integral part of the funded infrastructure project
- payment of salaries for the applicant's employees
- project overhead items including office equipment, vehicles or mobile capital equipment. Examples include trucks and earthmoving equipment and the applicant's internal plant operating costs
- business case development and feasibility studies
- costs related to registered training organisation training activities
- routine operational expenses, including communications, accommodation, office computing facilities, printing and stationery, postage, legal and accounting fees and bank charges
- writing the application and reporting for the grant
- making donations, gifts and sponsorships
- pre-construction activities, including architect services, design, surveying, planning, environmental or other regulatory approvals (A.5 and A.6), that exceed 20 per cent of the total eligible project expenditure
- costs incurred prior to the execution of a grant agreement
- fees paid to the Commonwealth, state, territory and local governments to obtain planning, environmental or other regulatory approvals.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible where the Program Delegate determines they do not directly support the achievement of the planned outcomes for the project or, they are contrary to the objective of the program.

You must ensure you have adequate funds to meet the costs of any ineligible expenditure associated with the project.



## Factsheet

# Building Better Regions Fund (BBRF) – Tourism-Related Infrastructure Funding

*BBRF Round Five has \$100 million dedicated to fund tourism-related infrastructure projects.*

### What is Tourism-Related Infrastructure?

A tourism-related infrastructure project is one which is designed to assist in mitigating the economic impact of the COVID-19 pandemic on a region's tourism industry.

### Are there any regions predetermined to be eligible for the tourism-related infrastructure funding?

There are no specific regions singled out to receive the tourism-related infrastructure funding. All eligible regions under BBRF (as defined in the Grant Opportunity Guidelines) are eligible to receive the tourism-related infrastructure funding.

### How do I apply for tourism-related infrastructure funding?

Applications for the tourism-related infrastructure funding are submitted through an online application form at [www.business.gov.au/bbrf](http://www.business.gov.au/bbrf). This is the same as previous BBRF Round applications, and consistent with the general funding process.

When applying via the online application form, you will be asked to indicate your intention to seek funding for your project from the tourism-related infrastructure projects funding pool.

You will be also asked to demonstrate:

- the impact the COVID-19 pandemic has had on your region's tourism industry (or the region that will benefit from your proposed project).
- how your project will provide benefits to the tourism industry to assist in mitigating the impact of the COVID-19 pandemic.

You are required to provide evidence to support your claims. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested.

Austrade may be consulted as part of the assessment process for tourism-related infrastructure project funding.

If you do not clearly articulate how your project will provide benefits to the tourism industry in the region to assist in mitigating the impact of the COVID-19 pandemic, and support those claims with tangible evidence, your application will not be considered for the \$100 million tourism-related infrastructure project funding, and it will be considered for the \$100 million of funding for general infrastructure project applications instead.

### Do I have to meet any other requirements?

You **must** meet all other mandatory requirements as set out in the [BBRF Round Five Grant Opportunity Guidelines](#).

### Do I have to be a Tourism operator to apply for the Tourism-Related Infrastructure funding?

You **do not** have to be a tourism organisation to apply for the tourism-related infrastructure funding. However, you **must** meet the eligibility requirements as stated in the BBRF Round Five Grant Opportunity Guidelines.

### Who can help to provide advice on a proposed project?

We encourage you to seek the support of your Regional Development Australia (RDA) Committee for your project. Your RDA Committee can:

- assist you in identifying and developing a strong project proposal which is a priority within your region, designed to contribute to long term economic growth.
- work with you to prepare a competitive application, including supporting documents and evidence.

If you are applying for tourism-related infrastructure project funding, you may wish to discuss your proposed project with independent regional, state/territory tourism organisations to assist in identifying key elements of your project which can support

broader tourism stimulus and investment initiatives. This evidence may be provided as supporting documentation in your application.

You can find information about your RDA Committee here: [www.rda.gov.au/my-rda](http://www.rda.gov.au/my-rda)

### What is the maximum Grant value for the Tourism-Related Infrastructure funding?

The tourism-related infrastructure project funding is the same as the BBRF Infrastructure Project Stream grant amounts. The minimum grant amount is \$20,000 and the maximum grant amount is \$10 million.

### When will successful applications be announced?

The outcome of the grant selection process is expected to be announced mid-2021.

### What if I'm unsure about the application process?

Please contact the Business Grants Hub on 13 28 46 or email through [Contact Us | business.gov.au](mailto:Contact Us | business.gov.au)

### Need more information?

For more information, visit [www.business.gov.au](http://www.business.gov.au) or call 13 28 46.



## Factsheet

# Building Better Regions Fund Round Five – Employment Outcomes

*This document provides guidance on what to consider when answering the ‘jobs generated’ questions in the online application form on the [business.gov.au](https://business.gov.au) portal.*

When addressing employment impacts, you will be asked to provide estimates of the number of jobs your project will create. For the purposes of the Building Better Regions Fund, we define:

- **direct** jobs created as employment impacts of the project itself. For example, new administrative or construction jobs generated during the process of creating, improving or extending community infrastructure or a community service and maintaining that infrastructure or service for ongoing use.
- **indirect** jobs created as employment that is expected to be generated in the community or in organisations because they are affected by, benefit from or support or service the funded project. For example, new transport, trades, retail or food services jobs generated as a result of the project.

Job numbers are expressed in terms of fulltime equivalent (FTE) jobs. A FTE job is not a head count. It refers to the number of hours of work undertaken compared to that typically undertaken by a full time employee.

- for example, if a full-time worker works 40 hours per week, a person working 20 hours per week is 0.5 FTE for that week.

When preparing your response, please consider the following:

- **the employment impacts reported should be for new/additional jobs created by the project**

Note, that if the jobs generated are to be filled by shifting existing employees onto the project regardless of whether they are working in your organisation or in other organisations that are benefitting from, or are affected by the project, you cannot report additional (or ‘net’) job numbers. This is because there is no overall employment gain being generated.

The combination of direct and indirect additional job impacts gives the total ‘net’ employment impact of the project in the area affected.

- **information about employment impacts should include some estimation of the expected duration of the employment**

For example, ‘it is anticipated that 5 direct FTE jobs will be generated for a period of 6 months during the project period’ or ‘3 FTE indirect ongoing jobs will be generated following the project period’. Background considerations to these time estimates:

- for infrastructure or community investment projects it is expected that some direct job impacts may only be felt during the active construction or development phase, and so should be reported as time-specific (e.g. for six-months)
- it is to be expected that some indirect jobs generated by the project may not be time constrained (e.g. ongoing)

additional retail or food services jobs generated by the ongoing presence and community use of funded new infrastructure or community amenity).

You will be required to provide some evidence to support job impact claims, for example a statement substantiating the basis of your job estimates.

For projects requesting grants over \$1 million, please provide a supporting cost-benefit analysis.

### **Contact us**

For more information, visit [www.business.gov.au](http://www.business.gov.au) or call 13 28 46.



**The Hon Michael McCormack MP**

---

**Deputy Prime Minister  
Minister for Infrastructure, Transport and Regional Development  
Leader of The Nationals  
Federal Member for Riverina**

Ref: MS20-002060

Dear Mayor

I am writing to advise you that the Building Better Region Fund (Round Five) Guidelines have been published for potential applicants to review prior to applications opening on January 12, 2021.

Having the guidelines available prior to the application period opening will allow potential applicants to carefully consider the requirements, and to make an informed decision about applying for funding through the BBRF. It will enable applicants to start sourcing supporting documentation to assist in the preparation of a quality application.

As in previous rounds, the BBRF aims to create jobs, drive economic growth and build stronger regional and remote communities into the future.

This round is supporting the Australian Government's broader response to assist Australia to 'Come Back' by investing in 'shovel-ready' projects that support communities and regions from the devastating bushfires of early 2020, the effects of the prolonged drought, and now as regions emerge from the restrictions of the COVID-19 pandemic.

BBRF Round Five will have \$100 million dedicated to support tourism-related infrastructure, the other \$100 million will support regional and remote Australia more broadly, by funding Infrastructure Projects and Community Investment projects.

Further information is available at [www.business.gov.au/bbrf](http://www.business.gov.au/bbrf) including the Guidelines, Factsheet, and Frequently Asked Questions.

Applicants can also contact the AusIndustry Business Grants Hub on 13 28 46 for any other assistance.

Applications will close on 5 March 2021 and successful applicants are expected to be announced in mid-2021.



I look forward to seeing BBRF continuing to make a difference in regional communities throughout regional Australia.

Yours sincerely

A handwritten signature in blue ink that reads "Michael McCormack". The script is cursive and fluid, with the first name "Michael" and last name "McCormack" clearly legible.

Michael McCormack

# **Local Roads and Community Infrastructure Grant Agreement**

between the Commonwealth represented by

**Department of Infrastructure, Transport, Regional Development and Communications**

And

**The Grantee**

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## Grant Agreement

Once completed and executed by the Parties, this document, together with the Commonwealth Standard Grant Conditions (Schedule 1) forms an Agreement between the Commonwealth and the Grantee.

## Parties to this Agreement

### The Grantee

Full legal name of Grantee	<i>Central Highlands Council</i>
Australian Business Number (ABN)	<i>30 472 494 899</i>

### The Commonwealth

The Commonwealth of Australia represented by the  
Department of Infrastructure, Transport, Regional Development and Communications  
of 111 Alinga Street, Canberra, Australian Capital Territory

ABN 86 267 354 017

### Background

The Commonwealth has agreed to enter this Agreement under which the Commonwealth will provide the Grantee with a Grant for the purpose of assisting the Grantee to undertake the associated Activity.

The Grantee agrees to use the Grant and undertake the Activity in accordance with this Agreement.

### Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms (if any);
- (c) the Standard Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) the COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 2;
- (f) any other document referenced or incorporated in the Grant Details.

If there is any ambiguity or inconsistency between the documents comprising this Agreement in relation to the Grant, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

This Agreement represents the Parties' entire agreement in relation to the Grant provided under it and the relevant Activity and supersedes all prior representations, communications, agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

# Grant Details

## A. Purpose of the Grant

The Grant is being provided as part of Phase 2 of the Local Roads and Community Infrastructure Program (LRCI Program).

The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage the economic impacts of COVID-19.

The Phase 2 extension of the LRCI Program is a temporary, targeted stimulus measure responding to the serious, ongoing economic impacts of COVID-19. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of COVID-19; and
- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The LRCI Program is administered by the Department of Infrastructure, Transport, Regional Development and Communications, referred to as 'the Department' throughout this agreement.

## B. Activity

- 1 The Grantee is required to use the Grant funds to undertake the Eligible Projects set out in the approved Work Schedule. The Grantee must also meet the requirements set out in the Phase 2 Guidelines.

### 2 Work Schedule

2.1 The Grantee must submit a draft Work Schedule in the manner and form notified by the Commonwealth, and in accordance with the requirements in this Agreement and the Phase 2 Guidelines.

2.2 The total amount of Grant funding sought under the draft Work Schedule cannot exceed the amount of the Grant specified at Item D (Payment of the Grant).

- 3 The Commonwealth will review the draft Work Schedule following the process detailed in the Phase 2 Guidelines (as in force at the time the decision to approve the Work Schedule is made).

3.1 The Grantee will be advised in writing if its Work Schedule is approved.

3.2 The Commonwealth's approval of the draft Work Schedule may be subject to conditions, including: the removal of some of the nominated projects where the Commonwealth does not consider they are Eligible Projects or otherwise meet the requirements of this Grant Agreement or the objectives of the LRCI Program – in which case the Grantee may submit an updated Work Schedule that includes additional nominated projects for approval at any time.

3.3 The Commonwealth's decision regarding the approval of the draft Work Schedule and/or any conditions is at its absolute discretion and is final. Once approved, the Work Schedule forms part of this Grant Agreement. The approval of the Work Schedule is a condition for release of the First Instalment of Grant money.

**4** The Grantee can only spend Grant money on Eligible Projects detailed in an Approved Work Schedule. Grant money cannot be used for Ineligible Projects or Ineligible Expenditure as set out in section 5 of the Phase 2 Guidelines.

## **5 Conflicts of Interest**

5.1 The Grantee must disclose if any of their personnel:

5.1.1 has a relationship with, or interest in, an organisation, which is likely to interfere with or restrict the Grantee from carrying out the Activities and/or implementing the Work Schedule fairly and independently; or

5.1.2 has a relationship with, or interest in, an organisation which may be awarded work in relation to a nominated project or is otherwise to be involved in the implementation of the Work Schedule.

5.2 The Grantee must include in the Work Schedule:

5.2.1 any details of any real, apparent, or potential conflicts of interest that may arise in relation to the Grantee's nominated projects, or the program;

5.2.2 details of how the Grantee proposes to manage these or any other conflict of interest that may arise; or

5.2.3 that to the best of their knowledge, there are no conflicts of interest.

5.3 The Grantee must provide the Commonwealth with details of the arrangements it will implement to effectively manage conflicts of interest in relation to the conduct of projects if requested.

## **6 Changes to Grantees and Eligible Projects**

6.1 Grantees must notify the Commonwealth of significant changes that are likely to affect an Eligible Project or their participation in Phase 2 of the LRCI Program. This includes any key changes to the Grantee's organisation, particularly if it affects their ability to complete an Eligible Project, carry on their business and pay debts due.

## **C. Duration of the Grant**

Activity start date	Activity Completion Date
1 December 2020	30 June 2022

## 7 Activity Timeframe

7.1 Construction activity on Eligible Projects must be undertaken between 1 January 2021 and 31 December 2021, other costs associated with Eligible Projects may continue to 30 June 2022.

7.2 The Agreement starts on the date that the last party to this Agreement signs.

7.3 The Agreement ends on 30 June 2022 which is the **Agreement End Date**.

## D. Payment of the Grant

8 The total maximum amount of the Grant is \$448,743. This is the Grantee's Phase 2 Allocation.

8.1 The Grantee's bank account for Phase 2 of the LRCI program is the bank account the Grantee uses for the LRCI Program. A change to a bank account must follow the process notified by the Commonwealth.

8.2 In order for the Grantee to receive the full Grant amount, the Grantee must have submitted a draft Work Schedule for the total Grant amount by 31 July 2021.

8.3 If the Grantee has not applied for the full Grant amount in a draft Work Schedule by 31 July 2021, the Commonwealth has the right to not pay the Grantee the amount of the Grant not applied for by the Grantee.

## 9 Grant Instalments

9.1 Subject to 9.2, Grant Instalments will be paid in accordance with the instalments set out in Table 1 below, subject to:

9.1.1 receipt of required Reports by the Commonwealth;

9.1.2 the Commonwealth's decision on Reports and information provided therein;

9.1.3 the required information contained in Work Schedules;

9.1.4 the Commonwealth's consideration of other relevant information;

9.1.5 compliance by the Grantee with its obligations under this Agreement; and

9.1.6 the requirements in the Phase 2 Guidelines (as in force at the time the decision to make a payment is made) being met.

9.2 A Low Value Grant is a Grant of \$500,000 or less. Low Value Grantees can receive 70 per cent of their Grant amount as their First Instalment provided they have nominated projects totaling 70 per cent or more of their Grant amount.

## 10 Payments will be paid in accordance with Table 1: Grant Payments

**Table 1 Grant Payment Overview**

Payment milestone	Grant payment date	Amount
First Instalment:  Work Schedule approval payment	The First Instalment of the Grant will be paid after 1 January 2021 and after the Grantee's Work Schedule has been approved.	The first payment will be equal to 50 per cent of the Grant, unless the Grantee is the recipient of a Low Value Grant.  For Low Value Grant, the Grantee will receive 70% of their Grant in their first instalment.
Progress Instalments:  The Grantee can receive multiple progress payments.	Within four weeks of the Department's acceptance of a Quarterly Report	A Progress Instalment will be equal to the Grantee's: <ul style="list-style-type: none"> <li>• actual expenditure until the end of the period covered by the relevant Quarterly Report; and</li> <li>• projected expenditure on Eligible Projects in an Approved Work Schedule to the end of the subsequent quarter;</li> </ul> <p><b>less:</b></p> <ul style="list-style-type: none"> <li>• received instalments; and</li> <li>• 10 per cent of the Grant.</li> </ul> <p>For a Low Value Grant, the Grantee can apply to receive the residual of grant funds at the time of a Quarterly Report being submitted provided they also submit completed acquittal documentation.</p>
Final Instalment:  Final payment	Within four weeks of the Department's acceptance of the Annual Report and decision to release the Final Instalment	The Final Instalment will equal the smaller of: <ul style="list-style-type: none"> <li>• the residual amount of the Grant; or</li> <li>• the total eligible expenditure and projected expenditure to the end of the Eligible Projects;</li> </ul> <p><b>less</b> instalments paid to date.</p>



## E. Reporting

- 11 The Grantee agrees to update Work Schedules in accordance with:
  - 11.1 the Phase 2 Guidelines as in force from time to time; and
  - 11.2 any other requirements notified by the Commonwealth.
- 12 The Grantee agrees to create the following reports in the manner and form specified by the Commonwealth and provide the reports to the Commonwealth representative:
  - 12.1 Quarterly Reports; and
  - 12.2 Annual Reports.
- 13 The Grantee must provide Reports in accordance with the timeframes at **Table 2: Reports** unless 14 or 15 applies.
- 14 If the Grantee has expended their Grant and/or returned any unspent Grant funding, after providing the Quarterly Report for the quarter in which this occurs, the Grantee is not required to provide further Quarterly reports but will still be required to provide the Annual Report.
- 15 For a Low Value Grant, if the Grantee has expended their Grant and/or returned any unspent grant funds, after providing the Quarterly Report for the quarter in which this occurs, the Grantee is not required to provide further Quarterly reports. A Grantee with a Low Value Grant can file acquittal documentation at this time.

<b>Table 2 Reports</b>		
<b>Lodgement period for Quarterly Reports</b>	<b>Quarter: Actual expenditure period</b>	<b>Quarterly Report</b>
1–30 April 2021	1 January – 31 March 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 July 2021	1 April – 30 June 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 October 2021	1 July – 30 September 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 January 2022	1 October – 31 December 2021	<b>Annual Report</b> Actual expenditure and eligible project updates from 1 January 2021 to 31 December 2021.
1–30 April 2022	1 January – 31 March 2022 (If required)	Actual expenditure for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates.
1–31 July 2022	1 April – 30 June 2022 (if required)	Actual expenditure for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates.

## 16 Quarterly Reports

16.1 Quarterly Reports must be in the manner and form notified by the Commonwealth in accordance with the Phase 2 Guidelines.

## 17 Annual Reports

17.1 Annual Reports must be in the manner and form notified by the Commonwealth in accordance with the Phase 2 Guidelines.

## 18 Acquittal Process for Low Value Grants

18.1 The Acquittal Process must be in the manner and form notified by the Commonwealth in accordance with the Phase 2 Guidelines.

## F. Party representatives and address for notices

### Grantee's representative and address

The Grantee's Representative is the Grantee's Formal Contact under the Roads to Recovery program unless otherwise agreed by the Commonwealth.

### Commonwealth representative and address

Name of representative	Daniel Caruso
Position	Assistant Secretary, COVID Recovery Infrastructure Investment Stimulus
Postal address	GPO Box 594, Canberra Australian Capital Territory 2601
Physical address	111 Alinga Street, Canberra, Australian Capital Territory
Business hours telephone	02 6274 6522
Email	Daniel.Caruso@infrastructure.gov.au

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant.

### G. Activity Material

N/A.

## **Supplementary Terms from Clause Bank**

### **1. Other Contributions**

N/A

### **2. Activity budget**

N/A

### **3. Intellectual property in Activity Material**

N/A

#### **3A. Intellectual property – research**

N/A

#### **3B. Creative Commons licence**

N/A

### **4. Access/Monitoring/Inspection**

- 4.1. The Grantee agrees to give the Commonwealth, or any persons authorised in writing by the Commonwealth:

- (a) access to premises where the Activity is being performed and/or where Material relating to the Activity is kept within the time period specified in a Commonwealth notice; and
- (b) permission to inspect and take copies of any Material relevant to the Activity.

- 4.2. The Auditor-General and any Information Officer under the *Australian Information Commissioner Act 2010* (Cth) (including their delegates) are persons authorised for the purposes of clause CB4.1.

- 4.3. This clause CB4 does not detract from the statutory powers of the Auditor-General or an Information Officer (including their delegates).

### **5. Equipment and Assets**

N/A

### **6. Specified Personnel**

N/A

### **7. Relevant qualifications, licences, permits, approvals or skills**

- 7.1. The Grantee agrees to ensure that personnel performing work in relation to the Activity: and

- (a) are appropriately qualified to perform the tasks indicated;
- (b) have obtained the required qualifications, licences, permits, approvals or skills before performing any part of the Activity and
- (c) continue to maintain all relevant qualifications, licences, permits, approvals or skills for the duration of their involvement with the Activity.

### **8. Vulnerable Persons**

N/A

9. **Child safety**

N/A

10. **Commonwealth Material, facilities and assistance**

N/A

11. **Jurisdiction**

N/A

12. **Grantee trustee of Trust**

N/A

13. **Fraud**

- 13.1. In this Agreement, Fraud means dishonestly obtaining a benefit, or causing a loss, by deception or other means, and includes alleged, attempted, suspected or detected fraud.
- 13.2. The Grantee must ensure its personnel and subcontractors do not engage in any Fraud in relation to the Activity.
- 13.3. If the Grantee becomes aware of:
  - (a) any Fraud in relation to the performance of the Activity; or
  - (b) any other Fraud that has had or may have an effect on the performance of the Activity;

then it must within 5 business days report the matter to the Commonwealth and all appropriate law enforcement and regulatory agencies.

- 13.4. The Grantee must, at its own cost, investigate any Fraud referred to in clause CB13.3 in accordance with the Australian Government Investigations Standards available at [www.ag.gov.au](http://www.ag.gov.au).
- 13.5. The Commonwealth may, at its discretion, investigate any Fraud in relation to the Activity. The Grantee agrees to co-operate and provide all reasonable assistance at its own cost with any such investigation.
- 13.6. This clause survives the termination or expiry of the Agreement.

14. **Prohibited dealings**

N/A

15. **Anti-corruption**

- 15.1. In this Agreement:

**Illegal or Corrupt Practice** means directly or indirectly:

- (a) making or causing to be made, any offer, gift, payment, consideration or benefit of any kind to any party, or
- (b) receiving or seeking to receive, any offer, gift, payment, consideration or benefit of any kind from any party, as an inducement or reward in relation to the performance of the Activity, which would or could be construed as an illegal or corrupt practice.

- 15.2. The Grantee warrants that the Grantee, its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity have not, engaged in an Illegal or Corrupt Practice.
  - 15.3. The Grantee agrees not to, and to take all reasonable steps to ensure that its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity do not:
    - (a) engage in an Illegal or Corrupt Practice; or
    - (b) engage in any practice that could constitute the offence of bribing a foreign public official contained in section 70.2 of the Criminal Code Act 1995 (Cth).
  - 15.4. The Grantee agrees to inform the Commonwealth within five business days if the Grantee becomes aware of any activity as described in CB15.3 in relation to the performance of the Activity.
16. **Step-in rights**  
N/A
17. **Grant Administrator**  
N/A
18. **Management Adviser**  
N/A
19. **Indemnities**  
N/A
20. **Compliance with Legislation and policies**
- 20.1. In this Agreement: Legislation means a provision of a statute or subordinate legislation of the Commonwealth, or of a State, Territory or local authority
  - 20.2. The Grantee agrees to comply with all Legislation applicable to its performance of this Agreement.
  - 20.3. The Grantee agrees, in carrying out its obligations under this Agreement, to comply with any of the Commonwealth's policies as notified, referred or made available by the Commonwealth to the Grantee (including by reference to an internet site).
21. **Work health and safety**
- 21.1. The Grantee agrees to ensure that it complies at all times with all applicable work health and safety legislative and regulatory requirements and any additional work health and safety requirements set out in the Grant Details.
  - 21.2. If requested by the Commonwealth, the Grantee agrees to provide copies of its work health and safety management plans and processes and such other details of the arrangements it has in place to meet the requirements referred to in clause ST21.1.
  - 21.3. When using the Commonwealth's premises or facilities, the Grantee agrees to comply with all reasonable directions and procedures relating to work health and

safety and security in effect at those premises or facilities, as notified by the Commonwealth or as might reasonably be inferred from the use to which the premises or facilities are being put.

**22. Transition**

N/A

**23. Corporate governance**

N/A

**23A. Incorporation requirement**

N/A

**24. Counterparts and execution**

24.1. This Agreement may be executed in any number of counterparts. All counterparts, taken together, constitute one instrument. A Party may execute this Agreement by signing any counterpart.

24.2. The Parties confirm that, without limiting the ways in which this Agreement may exist or be executed, they consent to this Agreement and any counterparts of this Agreement being executed and/or exchanged electronically.

**25. Employees subject to SACS Decision**

N/A

**26. Program interoperability with National Disability Insurance Scheme**

N/A

**27. Rollover of surplus and uncommitted funds**

N/A

**28. Secret and Sacred Indigenous Material**

N/A

# Signature



Executed as an agreement:

## Grantee

Full legal name of the Grantee <name of the grantee> <ABN of the grantee>	
Signatory Name	
Signature	
Date	
Witness Name	
Signature and date	



## Commonwealth

Signed for and on behalf of the Commonwealth of Australia as represented by the Department of Infrastructure, Transport, Regional Development and Communications	
Name	Daniel Caruso
Position	Assistant Secretary, COVID Recovery Infrastructure Investment Stimulus
Date	15 December 2020
Signature	
Witness Name The witness is not a party to this deed. The witness witnessed the affixing of the above delegate's electronic signature to the master form of agreement from which this Agreement was generated	James Savage
Signature and date	 15 December 2020

## **Schedule 1: Commonwealth Standard Grant Conditions**

### **1. Undertaking the Activity**

- 1.1. The Grantee agrees to undertake the Activity for the purpose of the Grant in accordance with this Agreement.
- 1.2. The Grantee is fully responsible for the Activity and for ensuring the performance of all its obligations under this Agreement in accordance with all relevant laws. The Grantee will not be relieved of that responsibility because of:
  - (a) the grant or withholding of any approval or the exercise or non-exercise of any right by the Commonwealth; or
  - (b) any payment to, or withholding of any payment from, the Grantee under this Agreement.

### **2. Payment of the Grant**

- 2.1. The Commonwealth agrees to pay the Grant to the Grantee in accordance with the Grant Details.
- 2.2. Notwithstanding any other provision of this Agreement, the Commonwealth may by notice withhold payment of any amount of the Grant and/or take any other action specified in the Supplementary Terms if it reasonably believes that:
  - (a) the Grantee has not complied with this Agreement;
  - (b) the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement; or
  - (c) there is a serious concern relating to the Grantee or this Agreement that requires investigation.
- 2.3. A notice under clause 2.2 will contain the reasons for any action taken under clause 2.2 and, where relevant, the steps the Grantee can take to address those reasons.
- 2.4. The Commonwealth will only be obliged to pay a withheld amount once the Grantee has addressed the reasons contained in a notice under clause 2.2 to the Commonwealth's reasonable satisfaction.

### **3. Acknowledgements**

- 3.1. The Grantee agrees not to make any public announcement, including by social media, in connection with the awarding of the Grant without the Commonwealth's prior written approval.
- 3.2. The Grantee agrees to acknowledge the Commonwealth's support in all Material, publications and promotional and advertising materials published in connection with this Agreement. The Commonwealth may notify the Grantee of the form of acknowledgement that the Grantee is to use.
- 3.3. The Grantee agrees not to use the Commonwealth Coat of Arms in connection with the Grant or the Activity without the Commonwealth's prior written approval.

#### **4. Notices**

- 4.1. Each Party agrees to promptly notify the other Party of anything reasonably likely to adversely affect the undertaking of the Activity, management of the Grant or its performance of any of its other requirements under this Agreement.
- 4.2. A notice given by a Party under this Agreement must be in writing and addressed to the other Party's representative as set out in the Grant Details or as most recently updated by notice given in accordance with this clause.
- 4.3. A notice is deemed to be effected:
  - (a) if delivered by hand - upon delivery to the relevant address;
  - (b) if sent by post - upon delivery to the relevant address; or
  - (c) if transmitted electronically - upon actual receipt by the addressee.
- 4.4. A notice received after 5.00 pm, or on a day that is a Saturday, Sunday or public holiday, in the place of receipt, is deemed to be effected on the next day that is not a Saturday, Sunday or public holiday in that place.
- 4.5. The Commonwealth may, by notice, advise the Grantee of changes to the Agreement that are minor or of an administrative nature, provided that any such changes do not increase the Grantee's obligations under this Agreement. Such changes, while legally binding, are not variations for the purpose of clause 8.

#### **5. Relationship between the Parties**

A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

#### **6. Subcontracting**

- 6.1. The Grantee is responsible for the performance of its obligations under this Agreement, including in relation to any tasks undertaken by subcontractors.
- 6.2. The Grantee agrees to make available to the Commonwealth the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

#### **7. Conflict of interest**

- 7.1. Other than those which have already been disclosed to the Commonwealth, the Grantee warrants that, to the best of its knowledge, at the date of this Agreement neither it nor its officers have any actual, perceived or potential conflicts of interest in relation the Activity.
- 7.2. If during the term of the Agreement, any actual, perceived or potential conflict arises or there is any material change to a previously disclosed conflict of interest, the Grantee agrees to:
  - (a) notify the Commonwealth promptly and make full disclosure of all relevant information relating to the conflict; and
  - (b) take any steps the Commonwealth reasonably requires to resolve or otherwise deal with that conflict.

## **8. Variation, assignment and waiver**

- 8.1. This Agreement may be varied in writing only, signed by both Parties.
- 8.2. The Grantee cannot assign its obligations, and agrees not to assign its rights, under this Agreement without the Commonwealth's prior approval.
- 8.3. The Grantee agrees not to enter into negotiations with any other person for the purposes of entering into an arrangement that will require novation of, or involve any assignment of rights under, this Agreement without first consulting the Commonwealth.
- 8.4. A waiver by a Party of any of its rights under this Agreement is only effective if it is in a signed written notice to the other Party and then only to the extent specified in that notice.

## **9. Taxes, duties and government charges**

- 9.1. The parties have entered into this Grant Agreement on the understanding that the Commonwealth and the Grantee are both government related entities, and that the amount of the Grant and anything else the Grantee receives from another entity in relation to any supply under this Agreement does not exceed the Grantee's cost of making that supply. On this basis, and in accordance with GSTR 2012/2 the parties rely on s.9-17 of the GST Act for no GST being imposed in connection with a supply made under this Agreement. Consequently, the actual and projected expenditure the Grantee reports to the Commonwealth must exclude the GST component on goods and services, and the payments the Commonwealth makes under this Agreement will not include GST.
- 9.2. The Grantee agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement, except as provided by this Agreement.
- 9.3. If Goods and Services Tax (GST) is payable by a supplier on any supply made under this Agreement, the recipient of the supply will pay to the supplier an amount equal to the GST payable on the supply, in addition to and at the same time that the consideration for the supply is to be provided under this Agreement.
- 9.4. If at the commencement of the Agreement the Grantee is not registered for GST and during the term of the Agreement the Grantee becomes, or is required to become, registered for GST, the Grantee agrees to notify the Commonwealth in writing within 7 days of becoming registered for GST.

## **10. Spending the Grant**

- 10.1. The Grantee agrees to spend the Grant for the purpose of performing the Activity and otherwise in accordance with this Agreement.
- 10.2. Within one month after the Activity Completion Date, the Grantee agrees to provide a statement signed by the Grantee in a form specified by the Commonwealth verifying the Grant was spent in accordance with this Agreement.

## **11. Repayment**

- 11.1. If any amount of the Grant:
  - (a) has been spent other than in accordance with this Agreement; or

(b) is additional to the requirements of the Activity; then the Commonwealth may by written notice:

(c) require the Grantee to repay that amount to the Commonwealth;

(d) require the Grantee to deal with that amount as directed by the Commonwealth;

or

(e) deduct the amount from subsequent payments of the Grant or amounts payable under another agreement between the Grantee and the Commonwealth.

11.2. If the Commonwealth issues a notice under this Agreement requiring the Grantee to repay a Grant amount:

(a) the Grantee must do so within the time period specified in the notice;

(b) the Grantee must pay interest on any part of the amount that is outstanding at the end of the time period specified in the notice until the outstanding amount is repaid in full; and

(c) the Commonwealth may recover the amount and any interest under this Agreement as a debt due to the Commonwealth without further proof of the debt being required.

## **12. Record keeping**

12.1. The Grantee agrees to keep financial accounts and other records that:

(a) detail and document the conduct and management of the Activity;

(b) identify the receipt and expenditure of the Grant separately within the Grantee's accounts and records so that at all times the Grant is identifiable; and

(c) enable all receipts and payments related to the Activity to be identified and reported.

12.2. The Grantee agrees to keep the records for five years after the Activity Completion Date or such other time specified in the Grant Details and provide copies of the records to the Commonwealth upon request.

## **13. Reporting and Liaison**

13.1. The Grantee agrees to provide the Reporting Material specified in the Grant Details to the Commonwealth.

13.2. In addition to the obligations in clause 13.1, the Grantee agrees to:

(a) liaise with and provide assistance and information to the Commonwealth as reasonably required by the Commonwealth; and

(b) comply with the Commonwealth's reasonable requests, directions and monitoring requirements,

in relation to the Activity.

13.3. If the Commonwealth acting reasonably has concerns regarding the performance of the Activity or the management of the Grant, the Commonwealth may by written notice require the Grantee to provide one or more additional reports, containing the information and by the date(s), specified in the notice.

13.4. The Grantee acknowledges that the giving of false or misleading information to the Commonwealth is a serious offence under the Criminal Code Act 1995 (Cth).

#### **14. Privacy**

- 14.1. When dealing with Personal Information in carrying out the Activity, the Grantee agrees:
- (a) to comply with the requirements of the Privacy Act 1988 (Cth); and
  - (b) not to do anything which, if done by the Commonwealth, would be a breach of an Australian Privacy Principle.

#### **15. Confidentiality**

- 15.1. The Parties agree not to disclose each other's confidential information without the other Party's prior written consent unless required or authorised by law or Parliament to disclose.
- 15.2. The Commonwealth may disclose the Grantee's confidential information where;
- (a) the Commonwealth is providing information about the Activity or Grant in accordance with Commonwealth accountability and reporting requirements;
  - (b) the Commonwealth is disclosing the information to a Minister of the Australian Government, a House or Committee of the Commonwealth Parliament; or
  - (c) the Commonwealth is disclosing the information to its personnel or another Commonwealth agency where this serves the Commonwealth's legitimate interests.

#### **16. Insurance**

- 16.1. The Grantee agrees to maintain adequate insurance for as long as any obligations remain in connection with this Agreement and provide proof of insurance to the Commonwealth upon request.

#### **17. Intellectual property**

- 17.1. Subject to clause 17.2, the Grantee owns the Intellectual Property Rights in Activity Material and Reporting Material.
- 17.2. This Agreement does not affect the ownership of Intellectual Property Rights in Existing Material.
- 17.3. The Grantee provides the Commonwealth a permanent, non-exclusive, irrevocable, royalty-free licence to use, modify, communicate, reproduce, publish, adapt and sub-license the Reporting Material for Commonwealth Purposes.
- 17.4. The licence in clause 17.3 does not apply to Activity Material.

#### **18. Dispute resolution**

- 18.1. The Parties agree not to initiate legal proceedings in relation to a dispute arising under this Agreement unless they have first tried and failed to resolve the dispute by negotiation.
- 18.2. Unless clause 18.3 applies, the Parties agree to continue to perform their respective obligations under this Agreement when a dispute exists.
- 18.3. The Parties may agree to suspend performance of the Agreement pending resolution of the dispute.
- 18.4. Failing settlement by negotiation in accordance with clause 18.1, the Parties may agree to refer the dispute to an independent third person with power to intervene

and direct some form of resolution, in which case the Parties will be bound by that resolution. If the Parties do not agree to refer the dispute to an independent third person, either Party may initiate legal proceedings.

- 18.5. Each Party will bear their own costs in complying with this clause 18, and the Parties will share equally the cost of any third person engaged under clause 18.4.
- 18.6. The procedure for dispute resolution under this clause does not apply to any action relating to termination, cancellation or urgent interlocutory relief.

## **19. Reduction, Suspension and Termination**

### **19.1. Reduction in scope of agreement for fault**

- 19.1.1. If the Grantee does not comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is incapable of remedy, or if the Grantee has failed to comply with a notice to remedy, the Commonwealth may by written notice reduce the scope of the Agreement.
- 19.1.2. The Grantee agrees, on receipt of the notice of reduction, to:
  - (a) stop or reduce the performance of the Grantee's obligations as specified in the notice;
  - (b) take all available steps to minimise loss resulting from the reduction;
  - (c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Commonwealth; and
  - (d) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.
- 19.1.3. In the event of reduction under clause 19.1.1, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.

### **19.2. Suspension**

#### **19.2.1. If:**

- (a) the Grantee does not comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is capable of remedy;
  - (b) the Commonwealth reasonably believes that the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement; or
  - (c) the Commonwealth reasonably believes that there is a serious concern relating to the Grantee or this Agreement that requires investigation;
- the Commonwealth may by written notice:
- (d) immediately suspend the Grantee from further performance of the Activity (including expenditure of the Grant); and/or
  - (e) require that the non-compliance or inability be remedied, or the investigation be completed, within the time specified in the notice.

#### **19.2.2. If the Grantee:**

- (a) remedies the non-compliance or inability specified in the notice to the Commonwealth's reasonable satisfaction, or the Commonwealth reasonably concludes that the concern is unsubstantiated, the Commonwealth may direct the Grantee to recommence performing the Activity; or

(b) fails to remedy the non-compliance or inability within the time specified, or the Commonwealth reasonably concludes that the concern is likely to be substantiated, the Commonwealth may reduce the scope of the Agreement in accordance with clause 19.1 or terminate the Agreement immediately by giving a second notice in accordance with clause 19.3.

**19.3. Termination for fault**

19.3.1. The Commonwealth may terminate this Agreement by notice where the Grantee has:

- (a) failed to comply with an obligation under this Agreement and the Commonwealth believes that the non-compliance is incapable of remedy or where clause 19.2.2.b applies; or
- (b) provided false or misleading statements in relation to the Grant; or
- (c) become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration.

19.3.2. The Grantee agrees, on receipt of the notice of termination, to:

- (a) stop the performance of the Grantee's obligations;
- (b) take all available steps to minimise loss resulting from the termination; and
- (c) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.

**20. Cancellation or reduction for convenience**

20.1. The Commonwealth may cancel or reduce the scope of this Agreement by notice, due to:

- (a) a change in government policy; or
- (b) a Change in the Control of the Grantee which the Commonwealth reasonably believes will negatively affect the Grantee's ability to comply with this Agreement.

20.2. On receipt of a notice of reduction or cancellation under this clause, the Grantee agrees to:

- (a) stop or reduce the performance of the Grantee's obligations as specified in the notice;
- (b) take all available steps to minimise loss resulting from that reduction or cancellation;
- (c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Commonwealth; and
- (d) report on, and return any part of, the Grant to the Commonwealth, or otherwise deal with the Grant, as directed by the Commonwealth.

20.3. In the event of reduction or cancellation under this clause, the Commonwealth will be liable only to:

- (a) pay any part of the Grant due and owing to the Grantee under this Agreement at the date of the notice; and
- (b) reimburse any reasonable and substantiated expenses the Grantee unavoidably incurs that relate directly and entirely to the reduction in scope or cancellation of the Agreement.



- 20.4. In the event of reduction, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.
- 20.5. The Commonwealth's liability to pay any amount under this clause is:
- (a) subject to the Grantee's compliance with this Agreement; and
  - (b) limited to an amount that when added to all other amounts already paid under the Agreement will not exceed the total amount of the Grant.
- 20.6. The Grantee will not be entitled to compensation for loss of prospective profits or benefits that would have been conferred on the Grantee but for the cancellation or reduction in scope of the Agreement under clause 20.1.
- 20.7. The Commonwealth will act reasonably in exercising its rights under this clause.

## 21. **Survival**

The following clauses survive termination, cancellation or expiry of this Agreement:

- clause 10 (Spending the Grant);
- clause 11 (Repayment);
- clause 12 (Record keeping);
- clause 13 (Reporting);
- clause 14 (Privacy);
- clause 15 (Confidentiality);
- clause 16 (Insurance);
- clause 17 (Intellectual property);
- clause 19 (Reduction, Suspension and Termination);
- clause 21 (Survival);
- clause 22 Definitions; and
- Any applicable provisions included from the clause bank; and
- Any other clause which expressly or by implication from its nature is meant to survive.

## 22. **Definitions**

In this Agreement, unless the contrary appears:

- **Activity** means the activity described in the Grant Details and includes the provisions of the Reporting Material.
- **Activity Completion Date** means the date or event specified in the Grant Details.
- **Activity Material** means any Material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.
- **Agreement** means the Grant Details, Supplementary Terms (if any), the Commonwealth Standard Grant Conditions and any other document referenced or incorporated in the Grant Details.
- **Agreement End Date** means the date or event specified in the Grant Details.
- **Australian Privacy Principle** has the same meaning as in the *Privacy Act 1988*.

- **Change in the Control** means any change in any person(s) who directly exercise effective control over the Grantee.
- **Commonwealth** means the Commonwealth of Australia as represented by the Commonwealth entity specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.
- **Commonwealth Purposes** includes the following:
  - a. the Commonwealth verifying and assessing grant proposals, including a grant application;
  - b. the Commonwealth administering, monitoring, reporting on, auditing, publicising and evaluating a grant program or exercising its rights under this Agreement;
  - c. the Commonwealth preparing, managing, reporting on, auditing and evaluating agreements, including this Agreement; and
  - d. the Commonwealth developing and publishing policies, programs, guidelines and reports, including Commonwealth annual reports;
 but in all cases:
  - e. excludes the commercialisation (being for-profit use) of the Material by the Commonwealth.
- **Commonwealth Standard Grant Conditions** means this document.
- **Existing Material** means Material developed independently of this Agreement that is incorporated in or supplied as part of Reporting Material or Activity Material.
- **Grant** means the money, or any part of it, payable by the Commonwealth to the Grantee for the Activity as specified in the Grant Details.
- **Grantee** means the legal entity other than the Commonwealth specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.
- **Grant Details** means the document titled Grant Details that forms part of this Agreement.
- **Intellectual Property Rights** means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the *Copyright Act 1968*).
- **Material** includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.
- **Party** means the Grantee or the Commonwealth.
- **Personal Information** has the same meaning as in the *Privacy Act 1988*.
- **Phase 2 Guidelines** means the 'COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 2'
- **Records** includes documents, information and data stored by any means and all copies and extracts of the same.
- **Reporting Material** means all Material which the Grantee is required to provide to the Commonwealth for reporting purposes as specified in the Grant Details and includes any Existing Material that is incorporated in or supplied with the Reporting Material.











ABN; 62 112 396 059

263 Kennedy Drive, Cambridge TAS 7170

Phone: 03 6248 5544 or 1300 SIGNWRITER

Date

18-Dec-20

Valid Until

JL 4129

Quote #

Customer ID

## Customer:

# Central Highlands Council

Att Lyn Eyles

PH 6286 3202

### Quote/Project Description

## Trove Sign - Bothwell

[illegible]

## Special Notes and Instructions

Once signed, please e-mail or post to the provided address.

Subtotal	\$	2,975.00
Freight		-
GST Rate	%	10.00
GST	\$	297.50
<b>Total</b>	<b>\$</b>	<b>3,272.50</b>

Above information is not an invoice and only an estimate of services/goods described above.

Please confirm your acceptance of this quote by signing this document or via return email

Signature

Print Name

Date \_\_\_\_\_

Should you have any queries concerning this quote, please contact John Large on 0447 833 660

email; [john.large@eyespy signs.com.au](mailto:john.large@eyespy signs.com.au)

Phone; 03 6248 5544 or 1300 SIGNWRITER [www.eyespsigns.com.au](http://www.eyespsigns.com.au)

Bank details: Acc Name; Eye Spy Signs Pty Ltd. BSB; 017 010. Acc #; 2937 30268

Credit card payment fee VISA or MC 1.5% - AMEX 2.75%

GO PIES

## TASMANIA

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# CHILD SAFE ORGANISATIONS BILL 2020

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### **SCHEDULE 1 – CHILD SAFE STANDARDS**

Draft

# CHILD SAFE ORGANISATIONS BILL 2020

*(Brought in by the Minister for Justice, the Honourable Elise  
Nicole Archer)*

## A BILL FOR

**An Act to establish principles and standards for the safety and wellbeing of children, and to provide for the responsibilities of certain organisations in relation to those principles and standards and for related matters**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## PART 1 – PRELIMINARY

### 1. Short title

This Act may be cited as the *Child Safe Organisations Act 2020*.

### 2. Commencement

This Act commences on a day to be proclaimed.

### 3. Interpretation

In this Act –

***child*** means a person who has not attained the age of 18 years;



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Part 1 – Preliminary

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***child-related service*** means an activity or service that is prescribed by the regulations to be a child-related service;

***Crown*** means the Crown in right of Tasmania;

***funding agreement*** means an agreement that provides for funding to an organisation, or a body prescribed under section 7(b), from a Government Agency to provide health, welfare, education, child care, or residential, services wholly or partly for children;

***Government Agency*** means –

- (a) a Government department within the meaning of the *State Service Act 2000*; and
- (b) an incorporated or unincorporated body that –
  - (i) is established, constituted or continued by or under an Act or under the royal prerogative; and
  - (ii) is, or has a governing authority that is, wholly or partly comprised of a person or persons appointed by the Governor, a Minister of the Crown or another such body;

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***organisation*** includes a Government Agency;

***principles*** – see section 5;

***regulations*** means regulations made and in force under this Act;

***standards*** – see section 6.

**4. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

**5. Principles for the safety and wellbeing of children**

The following are the principles for the safety and wellbeing of children:

- (a) the community as a whole shares responsibility for promoting the wellbeing and safety of children;
- (b) all children should be given the opportunity to reach their full potential and participate in society irrespective of their family circumstances and background;
- (c) an organisation that provides a child-related service, or a body prescribed under section 7(b), should give the highest priority to the promotion and protection of a child's safety, health, development, education and wellbeing.

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*Act No. of 2020*

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Part 1 – Preliminary

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**6. Child safe standards**

- (1) The standards are the child safe standards set out in clause 2 of Schedule 1.
- (2) An organisation that provides a child-related service, or a body prescribed under section 7(b), is to ensure that the standards are complied with in providing a service.

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Part 2 – Responsibilities Relating to Principles and Standards

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**PART 2 – RESPONSIBILITIES RELATING TO  
PRINCIPLES AND STANDARDS**

**7. Principles and standards to be incorporated**

The following bodies are to incorporate the principles and standards in the policies, procedures and practices of the body:

- (a) an organisation that provides a child-related service;
- (b) a body prescribed for the purposes of this section.

**8. Funding agreements**

A Minister to whom a Government Agency is responsible, or a governing authority of a Government Agency, is to ensure that –

- (a) the Agency does not enter into a funding agreement with an organisation that provides a child-related service, or a body prescribed under section 7(b), unless the organisation or body can demonstrate, to the satisfaction of the Minister, or governing authority, that the organisation or body complies with the principles and standards; and
- (b) any funding agreement entered into with an organisation that provides a child-related service, or a body prescribed under section 7(b), includes, as a

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*Act No. of 2020*

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Part 2 – Responsibilities Relating to Principles and Standards

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condition of the agreement, compliance with the principles and standards by the organisation or body to which the funding is to be provided.

**9. Annual report of organisation**

- (1) An organisation that provides a child-related service, or a body prescribed under section 7(b), that is not a Government Agency and receives funding in accordance with a funding agreement is to prepare an annual report for each financial year on the implementation of, and compliance with, the principles and standards by the organisation or body.
- (2) An annual report prepared under subsection (1) is to be submitted to the Government Agency with which the funding agreement has been entered into, by no later than 31 October after the end of the financial year.

**10. Annual report of Government Agency**

- (1) A Government Agency that provides a child-related service is to prepare an annual report for each financial year on the implementation of, and compliance with, this Act.
- (2) An annual report prepared under subsection (1) is to be combined with an annual report required under section 36 of the *State Service Act 2000*.

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Part 3 – Miscellaneous

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**PART 3 – MISCELLANEOUS**

**11. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may –
  - (a) authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations; and
  - (b) be made subject to conditions or so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

**12. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

**SCHEDULE 1 – CHILD SAFE STANDARDS**

**Section 6**

**1. Meaning of ‘engaged by’**

- (1) For the purposes of this Schedule, a reference to a person being engaged by an organisation or body includes, but is not limited to including –
  - (a) a person who is an office holder, officer, employee, owner, volunteer, or contractor, of the organisation or body; and
  - (b) in the case of a religious organisation, a person who carries out work as a minister of religion or in any other capacity for the purposes of the religious organisation; and
  - (c) a person who is prescribed or who is a member of a class of persons that is prescribed for the purposes of this clause.
- (2) For the purposes of this Schedule, a person is not engaged by an organisation or body solely because the organisation or body wholly or partly funds or regulates another organisation or body by which the person is engaged.
- (3) For the purposes of this Schedule, a person engaged by an organisation or body to which the provision of a child-related service has been delegated, in whole or in part, is also taken to be a person engaged by the organisation or body by

which the provision of the child-related service was delegated.

## **2. Child safe standards**

The standards set out below are the child safe standards:

1. Measures to protect the safety and wellbeing, and uphold the equity and diverse needs, of children are to be embedded in organisational leadership, governance, policy, practice and culture.
2. Children to whom a child-related service is being provided are to –
  - (a) be informed about their rights; and
  - (b) be empowered to participate in the making of decisions that affect them; and
  - (c) have their opinions and concerns taken into account when decisions are made that affect them.
3. Families and communities are to be informed of, supported in, and involved in promoting, measures to protect the safety and wellbeing, and uphold the equity and diverse needs, of children.
4. An organisation that provides a child-related service or a body prescribed under section 7(b),



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is responsible for continuously improving the ways in which, in providing a service –

- (a) the safety of children is promoted; and
- (b) abuse of children is prevented; and
- (c) allegations of the abuse of children are responded to.

**5.** An organisation that provides a child-related service or a body prescribed under section 7(b), is to ensure that –

- (a) a person engaged by that organisation or body is a fit and proper person to perform the role for which they are engaged; and
- (b) a person engaged by that organisation or body is supported to comply with measures to protect the safety and wellbeing, and uphold the equity and diverse needs, of children, including through ongoing education and training; and
- (c) policies and procedures established or adopted by the organisation or body document how these policies and procedures protect the safety and wellbeing, and uphold the equity and diverse needs, of children; and
- (d) complaint and dispute processes of the organisation or body empower children

to raise complaints and be involved in the dispute resolution process; and

- (e) a code of conduct that is consistent with the principles and standards, in respect of interactions with children, is developed by the organisation or body and provided to each person engaged by the organisation or body; and
- (f) preventative strategies and risk management frameworks are developed and implemented, whilst taking into account risks posed by the organisational settings, the activities of the organisation or body and the physical environment within which a child-related service is provided; and
- (g) physical and online environments that are administered by the organisation or body protect the safety and wellbeing, and uphold the equity and diverse needs, of children while minimising the risk that children will suffer harm; and
- (h) policies, procedures, and the code of conduct, developed by the organisation or body in respect of interactions with children, are implemented and regularly reviewed, and that any possible improvements that are identified as a result of a review are effected.

## TASMANIA

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### TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2020

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**7. Repeal of Act**

# TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2020

*(Brought in by the Minister for Justice, the Honourable Elise  
Nicole Archer)*

## A BILL FOR

**An Act to amend the *Tasmanian Civil and Administrative  
Tribunal Act 2020***

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

### 1. Short title

This Act may be cited as the *Tasmanian Civil  
and Administrative Tribunal Amendment Act  
2020*.

### 2. Commencement

The provisions of this Act commence on a day  
or days to be proclaimed.

### 3. Principal Act

In this Act, the *Tasmanian Civil and  
Administrative Tribunal Act 2020*\* is referred to  
as the Principal Act.

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\*No. 24 of 2020

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**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *Acting President* in subsection (1):

***applicant*** means –

- (a) in the context of the Tribunal’s review jurisdiction, the person who –
- (i) applies to the Tribunal for a review; or
  - (ii) otherwise brings a matter before the Tribunal; or
  - (iii) requests, requires, or otherwise seeks that a matter be referred to, or otherwise brought before, the Tribunal; and
- (b) in any other context, the person who –



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- (i) brings a matter before the Tribunal; or
- (ii) requests, requires, or otherwise seeks that a matter be referred to, or otherwise brought before, the Tribunal –

but unless and to the extent that the rules otherwise provide, does not include a person who is required by this Act or a relevant Act to refer a matter to the Tribunal, or otherwise bring a matter before the Tribunal, as sought by another person;

- (b) by omitting the definition of *code of conduct* from subsection (1) and substituting the following definitions:

***code of conduct*** means the code of conduct issued under section 144;

***decision*** of the Tribunal includes a direction, determination or order of the Tribunal but, in prescribed circumstances, does not include an interlocutory direction, determination or order;

***decision-maker*** – see section 75(3);

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- (c) by inserting the following definitions after the definition of *establishment day* in subsection (1):

***evidentiary material*** includes any document, object or substance of evidentiary value in proceedings before the Tribunal and includes any other document, object or substance that should, in the opinion of the Tribunal, be produced for the purpose of enabling the Tribunal to determine whether or not it has evidentiary value;

***legally qualified member*** means –

- (a) the President; or
  - (b) a magistrate who is a member of the Tribunal; or
  - (c) another member of the Tribunal who is an Australian lawyer of at least 5 years' standing as an Australian legal practitioner;
- (d) by inserting the following definitions after the definition of *members of the staff of the Tribunal* in subsection (1):

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***Mental Health stream*** means the stream referred to in Part 4 of Schedule 3;

***monetary order*** means an order of the Tribunal requiring the payment of money and includes –

- (a) an order made for the payment of a fine or other pecuniary penalty; and
  - (b) an order as to the payment of any costs; and
  - (c) an order for the payment of compensation for breach of an Act;
- (e) by inserting the following definition after the definition of *ordinary member* in subsection (1):

***original jurisdiction*** of the Tribunal – see Division 2 of Part 7;

- (f) by inserting the following definition after the definition of *relevant Board or Tribunal* in subsection (1):

***reviewable decision*** – see section 75(2);

- (g) by omitting “under section 66(5)” from the definition of *Rules Committee* in

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subsection (1) and substituting “under section 142”;

(h) by omitting “section 67” from the definition of *rules of the Tribunal* in subsection (1) and substituting “section 143”;

(i) by inserting the following subsection after subsection (2):

(3) If under a relevant Act a person’s failure or omission to do something is reviewable under this Act as a decision –

(a) this Act applies as if that person had made that decision; and

(b) any provision of the relevant Act as to when the decision is taken to have been made has effect.

**5. Part 4 repealed**

Part 4 of the Principal Act is repealed.

**6. Part 6 substituted**

Part 6 of the Principal Act is repealed and the following Parts are substituted:

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**PART 6 – CONSTITUTION OF TRIBUNAL**

**64. Constitution of Tribunal**

- (1) Subject to this Part, the President may determine, in relation to a particular matter or matters, or particular classes of matters, which member or members of the Tribunal will constitute the Tribunal.
- (2) The Tribunal is not to be constituted by more than 5 members.
- (3) A person is not to be a sitting member of the Tribunal, or perform any function as a member of the Tribunal, in relation to a matter in the review jurisdiction of the Tribunal if the person was –
  - (a) the decision-maker in relation to that matter; or
  - (b) a member of a body that was the decision-maker in relation to that matter.
- (4) The Tribunal may be constituted by –
  - (a) a registrar for the purpose of adjourning proceedings; or
  - (b) a registrar, or other member of the staff of the Tribunal, for any other purpose that is –

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- (i) specified by this Act or a relevant Act; or
  - (ii) prescribed by the rules of the Tribunal; or
  - (iii) determined by the President.
- (5) If a registrar or other member of the staff of the Tribunal exercises the jurisdiction of the Tribunal, the registrar or other member of the staff may, and must if the Tribunal or the President so directs, refer the matter to the Tribunal for determination by the Tribunal.

**65. Alteration of constitution of Tribunal and provision for separate dealing with aspects of matters**

- (1) The President may, as he or she considers fit, do either or both of the following:
  - (a) alter who is to constitute the Tribunal for the purpose of dealing with a matter, or anything relating to a matter, after the Tribunal has begun to deal with the matter;
  - (b) provide that different aspects of the same matter may be dealt

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with by different members of the  
Tribunal.

- (2) If the President alters the constitution of the Tribunal under subsection (1)(a), the Tribunal as constituted after the alteration may have regard to –
  - (a) any record of the proceedings of the Tribunal in relation to the matter before the alteration; and
  - (b) any evidence taken in the proceedings before the alteration.
- (3) If the President provides under subsection (1)(b) that different aspects of the same matter may be dealt with by different members of the Tribunal, the members of the Tribunal may, during or after dealing with the different aspects of a matter, come together and have regard to any evidence taken by the respective members of the Tribunal for the purposes of the proceedings of the Tribunal.
- (4) The Tribunal may, at any one time, be separately constituted in accordance with this section for the hearing and determination of any number of separate matters.
- (5) The Tribunal may, if it considers it appropriate to do so, organise its business and regulate proceedings before the Tribunal in such a way that 2 or more

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proceedings in respect of the same matter are heard together.

**66. Relationship with relevant Act**

If a provision of this Part and the provisions of a relevant Act deal with the manner in which the Tribunal is to be constituted for the purposes of proceedings or any other business under a relevant Act, the provision of the relevant Act applies to the extent of the inconsistency.

**67. Who presides at proceedings of Tribunal**

- (1) If, for dealing with a particular matter, the Tribunal is constituted by 2 or more members, the most senior of them is to preside at the proceedings of the Tribunal.
- (2) The seniority of members of the Tribunal depends on which of the offices held takes precedence and, if that does not determine a member's seniority, the matter is to be resolved by the President.
- (3) The order of precedence of offices is as follows:
  - (a) President;
  - (b) Deputy President;



- (c) senior member;
- (d) ordinary member.

**68. Decision if 2 or more members constitute Tribunal**

If the Tribunal is constituted by 2 or more members, a question they are required to decide is resolved, unless section 69 applies, according to the opinion of the majority of them but, if their opinions on the question are equally divided, the question is to be resolved according to the opinion of the presiding member.

**69. Determination of questions of law**

The member of the Tribunal constituting the Tribunal or, if the Tribunal is constituted by 2 or more members, the presiding member, may refer a question of law to a judge of the Supreme Court.

**70. Validity of acts of Tribunal**

An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in the membership of, or a defect in the appointment of a person to, the Tribunal or a panel from which members of the Tribunal are drawn, or a defect in the

appointment of any other person to act on  
behalf of the Tribunal.

**71. Disclosure of interest by members of  
Tribunal**

If the Tribunal is constituted of, or  
includes, a member who has a pecuniary  
or other interest that could conflict with  
the proper performance of the member's  
functions in proceedings before the  
Tribunal, the member –

- (a) must disclose the interest to the  
parties to the proceedings; and
- (b) must disclose the interest to the  
President or, if the President is  
the member with the interest,  
make a record of the interest and  
declare whether he or she will  
withdraw from the proceedings;  
and
- (c) must not take part in the  
proceedings or exercise powers  
affecting the proceedings –
  - (i) if the President directs the  
member to withdraw from  
the proceedings or has  
declared that he or she  
will withdraw from the  
proceedings; or

- (ii) if a party to the proceedings does not consent to the member hearing and determining, or participating in the hearing and determination of, the proceedings.

## **72. Delegation**

- (1) The President of the Tribunal may delegate a function or power of the President under this or any other Act –
  - (a) to another member of the Tribunal; or
  - (b) to a member of the staff of the Tribunal; or
  - (c) to the person (being either a member of the Tribunal or a member of the staff of the Tribunal) for the time being performing particular duties or holding or acting in a particular position.
- (2) A delegation under subsection (1) –
  - (a) must be made by instrument in writing; and
  - (b) may be conditional; and

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- (c) does not derogate from the ability of the President to act in any matter; and
- (d) is revocable at will by the President.

consultation draft

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**PART 7 – JURISDICTION OF TRIBUNAL**  
***Division 1 – Jurisdiction***

**73. Jurisdiction of Tribunal**

- (1) The Tribunal has the jurisdiction conferred on it by or under this or any other Act.
- (2) Without limiting subsection (1), if a provision of an Act enables an application, referral or appeal to be made to the Tribunal, or a claim to be brought before the Tribunal, the Act will be taken to confer jurisdiction on the Tribunal to deal with the matter concerned.
- (3) A matter in which the Tribunal has jurisdiction comes within –
  - (a) its original jurisdiction; or
  - (b) its review jurisdiction.

***Division 2 – Original jurisdiction***

**74. Original jurisdiction**

- (1) Subject to subsection (2), if a relevant Act confers on the Tribunal jurisdiction to deal with a matter that does not involve a reviewable decision within the meaning of section 75, the matter comes within the Tribunal's original jurisdiction.

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- (2) Subject to subsections (3) and (4), the Tribunal will, in its original jurisdiction, depending on the nature of the matter –
  - (a) act as the original decision-maker in the matter and accordingly apply those principles which, according to law, are to be applied to bodies that make such decisions pursuant to statute; or
  - (b) resolve a dispute between parties to the relevant proceedings; or
  - (c) adopt any other course of action that the Tribunal considers appropriate to deal with the matter.
- (3) In exercising its original jurisdiction, the Tribunal is to deal with a matter in accordance with this Act and the relevant Act.
- (4) The relevant Act may modify the operation of this Act in relation to a matter that comes within the Tribunal's original jurisdiction.

***Division 3 – Review jurisdiction***

**75. Decisions within review jurisdiction**

- (1) If the matter that a relevant Act confers on the Tribunal jurisdiction to deal with a

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matter that expressly or necessarily involves a review of a decision (a ***reviewable decision***), the matter comes within the Tribunal's review jurisdiction.

(2) For the purposes of subsection (1) and the other sections of this Part, and subject to the provisions of a relevant Act, a reviewable decision is –

- (a) a decision made by the Crown or an agency or instrumentality of the Crown; or
- (b) a decision made by a prescribed person or body; or
- (c) a prescribed decision or class of decisions –

but does not include a decision made by a person or body or a decision, or class of decisions, excluded by the regulations.

(3) For the purposes of this Act –

- (a) unless paragraph (b) applies, the ***decision-maker*** for a reviewable decision is the person or body that made or is taken to have made the reviewable decision; and
- (b) the rules may provide –

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(i) that the decision-maker for a reviewable decision, instead of being the person or body under paragraph (a), is to be a person or body that is assigned by the rules as being a suitable entity to act as the decision-maker for the purposes of this Act or specified provisions of this Act; or

(ii) that a reference to the decision-maker for a reviewable decision in this Act, or specified provisions of this Act, will be taken to include a reference to a person or body that is designated by the rules as being a suitable entity to act jointly with the person or body under paragraph (a) for the purposes of this Act (or specified provisions of this Act) –

and rules made under this paragraph will then have effect in accordance with their terms.

(4) Subject to subsections (5), (6) and (7), the Tribunal, in exercising its review



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jurisdiction, is to examine the decision of the decision-maker by way of rehearing.

- (5) On a rehearing, the Tribunal must reach the correct or preferable decision but in doing so must have regard to, and give appropriate weight to, the decision of the original decision-maker.
- (6) A procedure on a rehearing is to include –
  - (a) an examination of the evidence or material before the decision-maker, unless any such evidence or material is to be excluded under another provision of this Act or under any other law; and
  - (b) a consideration of any further evidence or material that the Tribunal decides, in the circumstances of the particular case, to admit for the purposes of rehearing the matter.
- (7) In exercising its review jurisdiction, the Tribunal is to deal with a matter in accordance with this Act and the relevant Act.
- (8) The relevant Act may modify the operation of this Act in relation to a matter that comes within the Tribunal's review jurisdiction.

**76. Decision-maker must assist Tribunal**

- (1) In proceedings for the review of a reviewable decision, the decision-maker for the reviewable decision must use his or her best endeavours to help the Tribunal so that it can make its decision on the review.
- (2) Without limiting subsection (1), the decision-maker must provide the following to the Tribunal within a reasonable period and in any event within the time prescribed by the regulations:
  - (a) a written statement of the reasons for the decision;
  - (b) any document or thing in the decision-maker's possession or control that may be relevant to the Tribunal's review of the decision.
- (3) The decision-maker must, in providing any document or thing under subsection (2), take reasonable steps to identify the documents or things that were taken into account in making the relevant decision.
- (4) If the Tribunal considers that there are additional documents or things in the decision-maker's possession or control that may be relevant to the Tribunal's

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review of the reviewable decision, the Tribunal may, by written notice, require the decision-maker to provide the documents or things.

- (5) If the Tribunal considers that the statement of reasons given under subsection (2)(a) is not adequate, the Tribunal may, by written notice, require the decision-maker to give the Tribunal an additional statement containing further particulars specified in the notice.
- (6) The decision-maker must comply with a notice given under subsection (4) or (5) within the period stated in the notice.
- (7) A requirement under this section that the decision-maker give the Tribunal information or a document or thing applies despite any provision in another Act prohibiting or restricting the disclosure of the information or the information contained in the document or thing.
- (8) The Tribunal may examine any document or thing provided under this section and draw any conclusions of fact that it considers proper.

**77. Effect of review proceedings on decision being reviewed**

- (1) The commencement of proceedings for the review of a decision does not affect the operation of the decision or prevent the taking of action to implement the decision unless –
  - (a) the relevant Act states otherwise; or
  - (b) an order is made under subsection (2).
- (2) On or after the commencement of proceedings for the review of a decision, the Tribunal or the decision-maker may, on application or on its own initiative, make an order staying or varying the operation or the implementation of the whole or a part of the reviewable decision pending the determination of the matter, or until such time (whether before or after the determination of the matter) as the Tribunal or the decision-maker may specify, if the Tribunal, or the decision-maker, is satisfied that it is just and reasonable in the circumstances to make the order.
- (3) An order by the Tribunal or the decision-maker under this section –

- (a) is subject to the conditions, if any, that are specified in the order; and
- (b) may be varied or revoked –
  - (i) in any case – by further order of the Tribunal; or
  - (ii) if the order was made by the decision-maker – by further order by the decision-maker or the Tribunal.

**78. Decision on review**

- (1) The Tribunal, on a review under this Division, may –
  - (a) affirm the decision that is being reviewed; or
  - (b) vary the decision that is being reviewed; or
  - (c) set aside the decision being reviewed and –
    - (i) substitute its own decision; or
    - (ii) send the matter back to the decision-maker for reconsideration in accordance with any

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directions or  
recommendations that the  
Tribunal considers  
appropriate –

and, in any case, may make any order  
that the Tribunal considers appropriate.

- (2) The reference in subsection (1) to an  
order includes a reference to –
- (a) an interim order pending the  
reconsideration and determination  
of the matter by the decision-  
maker; and
  - (b) any ancillary or consequential  
order –

that the Tribunal considers appropriate.

- (3) The fact that a decision is made on  
reconsideration under  
subsection (1)(c)(ii) does not prevent the  
decision from being open to review by  
the Tribunal.
- (4) The decision-maker's decision as  
affirmed or varied by the Tribunal or a  
decision that the Tribunal substitutes for  
the decision-maker's decision –
- (a) is to be regarded as, and given  
effect as, a decision of the  
decision-maker; and

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- (b) unless the relevant Act states otherwise or the Tribunal orders otherwise, is to be regarded as having effect from the time when the decision reviewed would have, or would have had, effect.
- (5) Without limiting subsection (4)(a), the decision-maker has power to do anything necessary to implement the Tribunal's decision.
- (6) Despite subsection (4)(a), the decision as affirmed, varied or substituted is not again open to review before the Tribunal as a decision of the decision-maker, but may be subject to appeal under this Act.

**79. Tribunal may invite decision-maker to reconsider decision**

- (1) At any stage of proceedings for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
- (2) On being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –
  - (a) affirm the decision; or
  - (b) vary the decision; or

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- (c) set aside the decision and substitute a new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceedings for a review are withdrawn, the proceedings will then be taken to be for –
  - (a) the review of the decision as varied; or
  - (b) the review of the substituted decision.
- (4) The Tribunal may specify a period within which the decision-maker should act under this section and, if the decision-maker does not take action within that period, then the Tribunal may resume its proceedings under this Division in the manner it considers fit.

## **PART 8 – DIVERSITY PROCEEDINGS**

### **80. Interpretation**

- (1) In this Part –

***federal diversity jurisdiction*** means jurisdiction of the kind referred to in section 75(iii) or (iv) of the Constitution of the Commonwealth;



***rules of the Court*** means the rules of the Court made under the *Magistrates Court (Civil Division) Act 1992*;

***transferred proceedings*** – see section 81.

- (2) For the purposes of this Part, a reference to the making of an application, or an application made, to the Tribunal is taken to include the referral of a matter to, or otherwise bringing of a matter before, the Tribunal.

**81. Transfer of applications involving federal diversity jurisdiction to Magistrates Court**

- (1) If a person has standing to make an application to the Tribunal in the exercise of its original jurisdiction under section 74 or its review jurisdiction under section 75, the application may be determined by the Magistrates Court in accordance with this Part instead of the Tribunal.
- (2) If, following an application made to the Tribunal in the manner and form required under this Act for the kind of application concerned, the Tribunal considers that –
- (a) it does not have, or there is some doubt as to whether it has, jurisdiction to determine the

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application because its determination may involve the exercise of federal diversity jurisdiction; and

- (b) the Tribunal would otherwise have had jurisdiction enabling it to determine the application –

the Tribunal may order that proceedings on the application be transferred to the Magistrates Court.

- (3) Proceedings transferred to the Magistrates Court under subsection (2) are *transferred proceedings*.

- (4) If proceedings are transferred to the Magistrates Court under this Part –

- (a) the application made to the Tribunal will be taken to be duly made as an application to the Court; and

- (b) the proceedings may be continued and completed as if steps taken in the proceedings prior to the transfer had been taken in the Court.

- (5) The fee payable in respect of the application is the relevant fee (if any) payable to the Tribunal under this Act.

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- (6) A party to the transferred proceedings is not required to pay any fees in relation to the transfer of the proceedings to the Magistrates Court unless the Court determines that additional fees are payable under the *Magistrates Court (Civil Division) Act 1992* because of a substantial alteration in the nature of the claims in the proceedings.
- (7) An order made by the Tribunal under subsection (2) may not be the subject of review or appeal under Part 10 of this Act.
- (8) The Magistrates Court may remit the transferred proceedings to the Tribunal for determination if the Court is satisfied that the Tribunal has jurisdiction to determine the matter.
- (9) If the Magistrates Court remits the transferred proceedings to the Tribunal, the Court may make the orders, if any, that it considers appropriate to facilitate the determination of the proceedings by the Tribunal.
- (10) The Tribunal must determine transferred proceedings that are remitted to it in accordance with any orders made by the Magistrates Court.

**82. Magistrates Court proceedings, jurisdiction, powers and functions, &c.**

- (1) Transferred proceedings are taken to have been commenced in the Magistrates Court on the day on which the application to which the proceedings relate was first made to the Tribunal.
- (2) Subsection (1) applies despite any limitation period under the *Limitation Act 1974* or any relevant Act that applies to the application concerned, if the application was lodged with the Tribunal before the expiry of the period.
- (3) The Magistrates Court has, and may exercise, all of the jurisdiction, powers and functions in relation to the transferred proceedings that the Tribunal would have if it could exercise federal diversity jurisdiction, including jurisdiction, powers and functions conferred or imposed on the Tribunal by or under this Act or a relevant Act.
- (4) The practices and procedures that apply to the Tribunal under this Act (including the rules) or a relevant Act will apply to the Magistrates Court in respect of the transferred proceedings unless, and to such extent as, the Court determines otherwise.

- (5) The Magistrates Court may make the orders, including in relation to the Tribunal, that it considers appropriate to facilitate its determination of the transferred proceedings.

**83. Modifications of certain functions, powers and procedures, &c.**

Despite section 82, the following provisions apply in relation to transferred proceedings:

- (a) the Magistrates Court is to be constituted as provided by or under the *Magistrates Court (Civil Division) Act 1992* instead of as provided by or under this Act or a relevant Act;
- (b) subject to the provisions of a relevant Act and the rules of the Court, a party to the proceedings is entitled to be represented by a legal practitioner or, with leave of the Magistrates Court, by another person, but only in the circumstances that the Tribunal would be permitted to allow if the proceedings were before the Tribunal;
- (c) the law applicable to reviews of, or appeals against, decisions of the Magistrates Court applies to

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decisions of the Court in the transferred proceedings instead of Part 10 of this Act, but the Court may make an order staying the operation of the relevant decision, including the decision of a relevant decision-maker, until the proceedings are finally decided, on the conditions, if any, specified in the order;

- (d) the Magistrates Court may award costs in the proceedings only in the circumstances that the Tribunal would be permitted to award them, and the costs are to be assessed in the same way as they would be, if the proceedings were before the Tribunal;
- (e) the Magistrates Court may make orders giving effect to any settlement reached by the parties even if that settlement was reached before the commencement of this Part or before proceedings were transferred to the Court under this Part.

**84. Compulsory conferences**

- (1) Subject to the provisions of a relevant Act, the Magistrates Court may, if the

Court considers it is appropriate, require the parties to transferred proceedings to attend a compulsory conference.

- (2) The Magistrates Court may give the directions to the Tribunal. in relation to the procedures and conduct of the conference, that the Court considers appropriate.

**85. References to Tribunal in other Acts or regulations**

To avoid doubt, but subject to the regulations –

- (a) a reference to the Tribunal in a provision, of an Act or regulations under an Act, that confers or imposes a function on the Tribunal is to be read as including a reference to the Magistrates Court, if the function is conferred or imposed on the Court because of the operation of this Part; and
- (b) a reference to proceedings in the Tribunal in a provision referred to in paragraph (a) is to be read as including a reference to proceedings in the Magistrates Court.

**86. Relationship of this Part to this Act and other laws**

The provisions of this Part prevail to the extent of any inconsistency between those provisions and any other provisions of the relevant Act.

**87. Enforcement, variation or revocation of purported orders**

- (1) The amount specified in a purported monetary order made by the Tribunal may be recovered in the appropriate court, within the meaning of section 135, by the person in favour of whom the order was made as if it were a debt.
- (2) A person must not contravene or fail to comply with the terms of a purported order of the Tribunal, other than a purported monetary order.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (3) If a person seeks a variation or revocation of a purported order or purported monetary order –
  - (a) the person may apply to the Tribunal; and



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- (b) the Tribunal must order that proceedings on the application be transferred to the Magistrates Court –

and such proceedings will be transferred proceedings for the purposes of this Part.

- (4) No act undertaken, or purportedly undertaken, in good faith, by a person pursuant to, or for the purposes of enforcing, a purported order or a purported monetary order gives rise to any liability against the person or the Crown.
- (5) In this section, a reference to a purported order or a purported monetary order is a reference to an order –
  - (a) purportedly made by the Tribunal, whether before or after the commencement of this Part, that is invalid because determination of the application that gave rise to the order involved the exercise of federal diversity jurisdiction; and
  - (b) that, on the commencement of this Part, is to be made by the Magistrates Court.

**PART 9 – PRINCIPLES, POWERS AND  
PROCEDURES**

*Division 1 – Principles governing hearings*

**88. Principles governing hearings**

- (1) On the hearing of any proceedings, but subject to the provisions of a relevant Act –
  - (a) the procedure of the Tribunal is, subject to this Act, to be conducted with the minimum of formality; and
  - (b) the Tribunal –
    - (i) is not bound by the rules of evidence; and
    - (ii) may adopt, as in its discretion it considers appropriate, any findings, decision or judgment of a court or other tribunal, insofar as may be relevant to the proceedings before the Tribunal; and
    - (iii) may otherwise inform itself as it considers fit; and
  - (c) the Tribunal must act according to equity, good conscience and

the substantial merits of the case  
and without regard to legal  
technicalities and forms.

- (2) Nothing in this Act affects any rule or principle of law relating to –
  - (a) legal professional privilege; or
  - (b) “without prejudice” privilege; or
  - (c) public interest immunity.
- (3) This section does not limit the operation of section 120.

***Division 2 – Evidentiary powers***

**89. Power to require person to give evidence or to produce evidentiary material**

- (1) The Tribunal may, on the application of a party to proceedings or on its own initiative, issue a summons requiring a person to appear before the Tribunal at a specified time and place to give evidence, or to produce evidentiary material, or both.
- (2) A summons to produce evidentiary material may, instead of providing for production of the material before the Tribunal, provide for production of the material to an officer of the Tribunal or to any person nominated in the summons.

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(3) The Tribunal may –

- (a) retain any document, object or substance produced before it (whether in response to a summons or otherwise) for the reasonable period that it considers fit and make copies of any document; and
- (b) require a person called to give evidence, whether in response to a summons or otherwise to make an oath or affirmation (which may be administered by any member or officer of the Tribunal) to answer truthfully questions put by any member of the Tribunal or any person appearing before the Tribunal; and
- (c) require any person called to give evidence, whether in response to a summons or otherwise, to answer any questions, put by any member of the Tribunal or any person appearing before the Tribunal, that are determined by the Tribunal to be relevant to the proceedings before the Tribunal.

(4) A person must not –

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- (a) refuse or fail to make an oath or affirmation when required to do so under this section; or
- (b) refuse or fail without reasonable excuse to produce evidentiary material that the person is required by the Tribunal to produce; or
- (c) refuse or fail without reasonable excuse to appear before the Tribunal in response to a summons; or
- (d) refuse or fail without reasonable excuse to give evidence before the Tribunal or otherwise refuse or fail, without reasonable excuse, to answer any question put in proceedings before the Tribunal or otherwise required under this Act; or
- (e) give false or misleading evidence to the Tribunal.

Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding one year.

- (5) A summons under this section may be issued on behalf of the Tribunal by –
- (a) any member of the Tribunal; or

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- (b) a registrar; or
- (c) any other officer authorised under the rules or by the President of the Tribunal to issue such summonses.

**90. Entry and inspection of property**

- (1) A member of the Tribunal may enter any land or building and carry out on or in the land or building any inspection that the Tribunal considers relevant to any proceedings before the Tribunal.
- (2) A member of the Tribunal may authorise an officer of the Tribunal to enter any land or building and carry out on or in the land or building an inspection that the member of the Tribunal considers relevant to any proceedings before the Tribunal, including for the purposes of preparing expert evidence for the purposes of proceedings before the Tribunal.
- (3) A person must not obstruct a member of the Tribunal, or an officer of the Tribunal authorised by the Tribunal, in the exercise of a power of entry or inspection under this section.

Penalty: Fine not exceeding 15 penalty units or imprisonment for a term not exceeding 6 months.

**91. Expert reports**

- (1) The Tribunal may refer any question arising in any proceedings for investigation and report by an expert in the relevant field.
- (2) The Tribunal must seek submissions from the parties to the proceedings before making a referral under this section.
- (3) A person to whom a question is referred under this section becomes an officer of the Tribunal and may exercise the powers of the Tribunal that the Tribunal delegates to the person.
- (4) The Tribunal may adopt a report obtained under this section in whole or in part, or may reject the report.
- (5) Any action taken under subsection (4) does not prevent the Tribunal from making a further referral to an expert.
- (6) The Tribunal may order a party to pay or contribute to the costs of an expert's investigation and report under this section.

***Division 3 – Procedures***

**92. Practice and procedure generally**

- (1) The Tribunal is to take measures that are reasonably practicable –
  - (a) to ensure that the parties to any proceedings have a reasonable opportunity to understand the nature of the matter under consideration; and
  - (b) to ensure that the parties to any proceedings understand the nature of any assertions made in the proceedings and the legal implications of those assertions; and
  - (c) to explain to the parties, if requested to do so, any aspect of the procedure of the Tribunal or any decision or ruling made by the Tribunal; and
  - (d) to ensure that the parties have the opportunity in any proceedings to be heard or otherwise have their submissions received.
- (2) The Tribunal –
  - (a) is to take all practicable steps to ensure that all relevant material is



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disclosed to the Tribunal so as to enable it to determine all the relevant facts in issue in any proceedings; and

- (b) may require evidence or argument to be presented in writing and decide on the matters on which it will hear oral evidence or argument; and
  - (c) may limit the time available for presenting the respective cases of parties before it at a hearing to an extent that it considers would not impede the fair and adequate presentation of the cases; and
  - (d) may require a document to be served outside the State; and
  - (e) may adjourn any proceedings at any time and to any place, including for the purpose of enabling the parties to negotiate a settlement or for the purpose of reconsideration of a decision by the decision-maker; and
  - (f) may proceed to hear and determine proceedings in the absence of a party.
- (3) To the extent that the practice or procedure of the Tribunal is not prescribed by or under this Act or a

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relevant Act, the practice or procedure is  
to be as the Tribunal determines.

**93. Directions for conduct of proceedings**

- (1) The Tribunal may give directions at any time in any proceedings and do whatever is necessary for the expeditious and fair conduct of the proceedings.
- (2) The Tribunal may give directions on its own initiative or at the request of a party.
- (3) A directions hearing may be held for the purposes of this section before any other hearing in any proceedings.
- (4) The Tribunal may give a direction requiring a party to produce a document or other material, or to provide information, to the Tribunal or another party.

**94. Consolidating and splitting proceedings**

- (1) The Tribunal may direct that 2 or more proceedings that concern the same or related facts or circumstances –
  - (a) be consolidated into one proceeding; or
  - (b) remain as separate proceedings but be heard and determined together.

- (2) If proceedings are consolidated, evidence given in the consolidated proceedings is admissible in relation to matters involved in either of the proceedings that were consolidated.
- (3) The Tribunal may direct –
  - (a) that any aspect of any proceedings be heard and determined separately; or
  - (b) that proceedings commenced by 2 or more persons jointly be split into separate proceedings.

**95. More appropriate forum**

The Tribunal may, at any time, make an order striking out all, or any part, of any proceedings if it considers that the matter, or any aspect of it, would be more appropriately dealt with by another tribunal, a court or any other person.

**96. Dismissing proceedings on withdrawal or for want of prosecution**

- (1) The applicant in any proceedings may withdraw, or agree to the withdrawal of, the proceedings or a part of the proceedings.
- (2) Unless otherwise provided by the rules, an applicant may only act under

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subsection (1) with the leave of the Tribunal.

- (3) The Tribunal may make an order dismissing or striking out all, or any part, of any proceedings, if the applicant withdraws or agrees to the withdrawal of the proceedings or that part of it.
- (4) At any time, the Tribunal may make an order dismissing or striking out all, or any part, of any proceedings for want of prosecution.
- (5) The Tribunal's power to make an order under subsection (4) is exercisable only by –
  - (a) a legally qualified member of the Tribunal; or
  - (b) a registrar who is authorised in writing by the President of the Tribunal to make such an order, whether generally or in relation to particular classes of matters or otherwise.
- (6) The Tribunal may make an order under this section on the application of a party or on its own initiative.

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**97. Frivolous, vexatious or improper proceedings**

- (1) This section applies if the Tribunal believes that a proceeding –
  - (a) is frivolous, vexatious, misconceived or lacking in substance or involves a trivial matter or amount; or
  - (b) is being used for an improper purpose; or
  - (c) is otherwise an abuse of process.
- (2) If this section applies, the Tribunal may order that the proceeding be dismissed or struck out and may make any related or ancillary order.
- (3) The Tribunal may act under subsection (2) on the application of a party or on its own initiative.
- (4) If a proceeding is dismissed or struck out under this section, another proceeding of the same kind in relation to the same matter cannot be commenced before the Tribunal without the leave of the President or a Deputy President.

**98. Proceedings being conducted to cause disadvantage**

- (1) This section applies if the Tribunal believes that a party to any proceedings is conducting the proceedings in a way that unnecessarily disadvantages another party to the proceedings by conduct such as –
- (a) failing to comply with an order or direction of the Tribunal without reasonable cause; or
  - (b) failing to comply with this Act or a relevant Act; or
  - (c) asking for an adjournment, the need for which is attributable to a failure described in paragraph (a) or (b); or
  - (d) attempting to deceive another party or the Tribunal; or
  - (e) vexatiously conducting the proceedings; or
  - (f) failing to attend any hearing in the proceedings.
- (2) If this section applies, the Tribunal may –
- (a) if the party causing the disadvantage is the applicant,

order that the proceedings be dismissed or struck out; or

(b) if the party causing the disadvantage is not the applicant –

(i) determine the proceedings in favour of the applicant and make any appropriate orders; or

(ii) order that the party causing the disadvantage be struck out of the proceedings.

(3) The Tribunal may act under subsection (2) on the application of a party or on its own initiative.

(4) If any proceedings are dismissed or struck out under this section, another proceeding of the same kind in relation to the same matter cannot be commenced before the Tribunal without the leave of the President or a Deputy President.

#### ***Division 4 – Conferences, mediation and settlement***

### **99. Conferences**

(1) The Tribunal may, at an initial directions hearing or at any other time, require

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parties to any proceedings to attend a compulsory conference.

- (2) The Tribunal must, if so required by the rules or a relevant Act, require parties to attend a compulsory conference.
- (3) Despite subsection (2) and any provision of a relevant Act that requires or permits a conference to be held, the Tribunal may dispense with a conference if it is of the opinion that –
  - (a) no useful purpose would be served by a conference between the parties; or
  - (b) there is another reason that justifies dispensing with the conference.
- (4) The purpose of a compulsory conference is to identify and clarify the issues in the proceedings and to promote the resolution of the matters by a settlement between the parties.
- (5) A registrar, or any other member of the staff of the Tribunal who is authorised to do so by the Registrar, is expressly authorised to constitute the Tribunal for the purposes of a compulsory conference.



**100. Procedure for compulsory conferences**

- (1) A compulsory conference may, at the discretion of the member of the Tribunal presiding at the conference, be adjourned or reconvened from time to time.
- (2) Unless the member of the Tribunal presiding at the conference directs otherwise, a compulsory conference is to be held in private.
- (3) Subject to this section and except to the extent to which the rules may specify the procedure for a compulsory conference, the member of the Tribunal presiding at a compulsory conference may determine the procedure for the conference.
- (4) The member of the Tribunal presiding at a compulsory conference may do any one or more of the following:
  - (a) if that member is not the President or a Deputy President – refer any question of law to the President or a Deputy President for determination;
  - (b) require a party to the proceedings to provide particulars of the party's case;
  - (c) determine who, apart from the parties to the proceedings and

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their representatives, may be present at the conference;

- (d) subject to subsection (7), record any settlement reached at a conference and make any determination or order (including an order under, or for the purposes of, a relevant Act) that is necessary to give effect to a settlement;
- (e) on his or her own initiative, close the conference at any time if, in his or her opinion, settlement cannot be reached;
- (f) advise the Tribunal if the conference does not reach a settlement within a reasonable time;
- (g) permit a party to withdraw from the proceedings, and make any consequential order that is appropriate in the circumstances;
- (h) determine a matter against any party who obstructs or delays the conference, fails to attend the conference or fails to comply with a rule or order of the Tribunal and, in so doing, make any order as the member of the

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Tribunal considers fit, including  
an order as to costs;

- (i) do other things for which the  
rules of the Tribunal provide.
- (5) If a question of law is referred to a  
member of the Tribunal under  
subsection (4)(a), the member may refer  
the question to the Supreme Court for  
decision by a single judge of the  
Supreme Court.
- (6) Evidence of anything said or done in the  
course of a compulsory conference is  
inadmissible in proceedings before the  
Tribunal, except by consent of all parties  
to the proceedings.
- (7) The member of the Tribunal presiding at  
a compulsory conference –
  - (a) must not accept a settlement that  
appears to be inconsistent with a  
relevant Act, but he or she may  
adjourn the proceedings to enable  
the parties to explore the  
possibility of varying the  
settlement to comply with a  
relevant Act; and
  - (b) may decline to accept a  
settlement on the basis that the  
settlement may materially  
prejudice any person who was not  
represented at the conference but

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who has a direct or material  
interest in the matter.

- (8) If the member of the Tribunal presiding at a conference is unable to continue with the conference, another member of the Tribunal may be appointed to continue and complete the conference.
- (9) The member of the Tribunal who presided at the conference is disqualified from sitting as a member of the Tribunal for the purpose of hearing and determining the matter, unless all parties to the proceedings agree to the member's continued participation.
- (10) The rules may set out circumstances where the outcome of any proceedings under this section, including details of a settlement, are to be available to members of the public.

**101. Mediation**

- (1) The Tribunal may, at an initial directions hearing or at any other time, refer the matter, or any aspect of the matter, for mediation by a person specified as a mediator by the Tribunal.
- (2) The person specified as a mediator must be a person who has been approved by the President of the Tribunal to act as a mediator.

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- (3) The referral may be made with or without the consent of the parties.
- (4) The purpose of a mediation is to achieve the resolution of the matters by a settlement between the parties.
- (5) The rules may specify any of the following:
  - (a) how notice of the mediation is to be given;
  - (b) how the mediation is to be conducted;
  - (c) the fees to be paid by a party to the mediation.
- (6) Unless the mediator directs otherwise, the mediation is to be held in private.
- (7) Subject to this section and except to the extent to which the rules may specify the procedure for a mediation, the mediator may determine the procedure for the mediation.
- (8) Evidence of anything said or done in the course of a mediation under this section or section 102 is inadmissible in proceedings before the Tribunal, except by consent of all parties to the proceedings.

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- (9) If the mediator is a member of the Tribunal, the member cannot take any further part in dealing with the proceedings after the mediation, unless all parties to the proceedings agree to the member's continued participation.
- (10) The rules may set out circumstances where the outcome of any mediation under this Act, including details of a settlement, is to be available to members of the public.

**102. Settlement at mediation**

- (1) If the mediator in relation to a matter or an aspect of a matter is a member of the Tribunal and a settlement is reached at the mediation, the mediator may –
  - (a) reduce the terms of the settlement to writing; and
  - (b) make any determination or order, including an order under, or for the purposes of, a relevant Act, necessary to give effect to the settlement.
- (2) If a settlement is not reached at the mediation in relation to a matter or an aspect of a matter or the mediator is not a member of the Tribunal, the mediator is to report on the outcome of the mediation to the Tribunal as constituted when it

referred under section 101 the matter, or aspect of the matter, for mediation.

- (3) Any settlement under this section –
  - (a) must not be inconsistent with a relevant Act; and
  - (b) may be rejected by the Tribunal on the basis that the settlement may materially prejudice any person who has not participated in the mediation but who has a direct or material interest in the matter.

### **103. Settling of proceedings**

- (1) The Tribunal may itself attempt to achieve a negotiated settlement of a matter before the Tribunal.
- (2) If the parties agree in writing to settle a matter before the Tribunal, the Tribunal may make any determination or order, including an order under, or for the purposes of, a relevant Act, necessary to give effect to the settlement.
- (3) A settlement under this section must not be inconsistent with a relevant Act.
- (4) The Tribunal may reject a settlement under subsection (2) on the basis that –

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- (a) the settlement may materially prejudice any person who is not a party to the settlement but who has a direct or material interest in the matter; or
- (b) the terms of the settlement are inappropriate.

***Division 5 – Parties***

**104. Parties**

- (1) A person is a party to proceedings before the Tribunal if the person is –
  - (a) the applicant; or
  - (b) in the case of any disciplinary proceedings or any proceedings constituted by any inquiry into a person – the person who is the subject of the proceedings; or
  - (c) in the case of proceedings involving the review of a decision – the decision-maker; or
  - (d) without limiting paragraph (a), (b) or (c) –
    - (i) a respondent to an application before the Tribunal; or



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- (ii) a person against whom a claim is made by proceedings brought before the Tribunal; or
  - (iii) a party to a dispute before the Tribunal; or
  - (e) a person joined in the proceedings by order of the Tribunal; or
  - (f) a person lawfully intervening in the proceedings; or
  - (g) a person specified by another provision of this Act or a relevant Act to be a party to the proceedings.
- (2) Subsection (1) applies subject to any provision or exclusion made by the rules of the Tribunal.
- (3) In any proceedings where a decision-maker is a party, the official description, rather than the personal name, of the decision-maker is to be used so far as is practicable.

**105. Person may be joined as party**

- (1) The Tribunal may order that a person be joined as a party to proceedings before

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the Tribunal if the Tribunal considers that –

- (a) the person should be bound by, or have the benefit of, a decision of the Tribunal in the proceedings; or
  - (b) the person's interests are affected by the proceedings; or
  - (c) for any other reason it is desirable that the person be joined as a party.
- (2) The Tribunal may make an order under this section –
- (a) on the application of any person or on its own initiative; and
  - (b) without notice to the person to whom the order relates.

**106. Intervening**

- (1) The Attorney-General may, on behalf of the State, intervene in any proceedings before the Tribunal at any time.
- (2) The Tribunal may give leave at any time for any other person to intervene in proceedings before the Tribunal on conditions, if any, that the Tribunal considers fit.

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***Division 6 – Representation***

**107. Representation**

- (1) A party to proceedings before the Tribunal is, subject to the provisions of a relevant Act, entitled to appear –
  - (a) personally; or
  - (b) by an Australian legal practitioner; or
  - (c) with the leave of the Tribunal and subject to the rules – by another representative.
- (2) Unless otherwise determined by the Tribunal, a person appearing before the Tribunal may be assisted by another person as a friend.
- (3) A person may not act as a representative referred to in subsection (1)(c) in proceedings before the Tribunal if –
  - (a) the person is an Australian legal practitioner whose practising certificate has been suspended; or
  - (b) the person has been removed from the local roll, within the meaning of the *Legal Profession Act 2007*.

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***Division 7 – Costs***

**108. Costs**

- (1) Unless otherwise specified in this Act, a relevant Act or an order of the Tribunal under this section, parties bear their own costs in any proceedings before the Tribunal.
- (2) Unless otherwise specified in a relevant Act, the Tribunal may make an order for the payment by a party of all or any of the costs of another party, or of a person required to appear before the Tribunal or to produce evidential material, if the Tribunal considers that it is appropriate to do so after taking into account –
  - (a) the main objectives of the Tribunal that are relevant to simplifying proceedings and issues before the Tribunal and to keeping costs to parties in proceedings before the Tribunal to a minimum insofar as is just and appropriate; and
  - (b) the need to ensure that proceedings are fair and that parties are not disadvantaged by proceedings that have little or no merit; and

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- (c) any provision made by the rules;  
and
  - (d) any other matter considered  
relevant by the Tribunal.
- (3) Subsection (2) does not apply in relation to proceedings in the Mental Health stream.
- (4) Without limiting subsection (2), if the Tribunal dismisses or strikes out any proceedings in any prescribed circumstances, the Tribunal should also make an order for costs against the party against whom the action is directed, unless the Tribunal is of the opinion that there is a good reasons for not making an order in the circumstances of the particular case.
- (5) If the Tribunal makes an order for the payment of costs and does not fix the amount of costs, that amount is to be assessed and settled in accordance with the rules.

**109. Costs of proceedings**

- (1) In this section –

*costs of proceedings* means costs of, or incidental to, any proceedings of the Tribunal, other than the costs of a party.

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- (2) The Tribunal may order that all or any of the costs of proceedings be paid by a party.
- (3) Subsection (2) does not apply in relation to proceedings in the Mental Health stream.
- (4) If the matter that is the subject of the proceeding comes within the Tribunal's review jurisdiction, the Tribunal cannot make an order under this section against a party unless –
  - (a) the party brought or conducted the proceedings frivolously or vexatiously; or
  - (b) the Tribunal is acting in prescribed circumstances.

**110. Costs – related matters**

- (1) The power of the Tribunal to make an order for the payment by a party of the costs of another party includes the power to make an order for the payment of an amount to compensate the other party for any expenses or loss resulting from any proceedings or matter.
- (2) Without limiting anything else that may be considered in making an order for the payment by a party of the costs of another party, if the matter that is the

subject of any proceedings comes within the Tribunal's review jurisdiction, the Tribunal is to have regard to –

- (a) whether the party genuinely attempted to enable and assist the decision-maker to make a decision on its merits; or
  - (b) if the party was the decision-maker – whether the party genuinely attempted to make a decision on its merits.
- (3) The rules may deal with the effect of certain offers to settle, and the response, if any, to the offer, on the making of an order for the payment by a party of the costs of another party.
- (4) The Tribunal may order that the representative of a party, rather than the party, in the representative's own capacity compensate that or any other party for costs incurred because the representative acted in, or delayed, any proceedings in a way that resulted in unnecessary costs.

**111. Security as to costs, &c.**

- (1) The Tribunal may order a party to proceedings before the Tribunal to give security for the payment of costs or to give an undertaking as to the payment of

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other monetary amounts that may be awarded against the party.

- (2) Subsection (1) does not apply in relation to proceedings in the Mental Health stream.
- (3) The security referred to in subsection (1) is to be of the amount, and given at the time and in the manner and form, that the Tribunal directs.
- (4) The Tribunal may reduce or increase the amount of security ordered under subsection (1) to be given and may vary the time at which, or the manner or form in which, the security is to be given.
- (5) If security, or further security, or an undertaking, is not given in accordance with an order under this section, the Tribunal may order that the proceedings be dismissed with costs or that a determination with costs be made against the party.
- (6) The provisions of this section relating to security, or the giving of an undertaking, do not affect the operation of any provision made by or under a relevant Act or by the rules for or in relation to the giving of security, the giving of an undertaking or the imposition of costs.
- (7) A member of the Tribunal may not make an order under this section unless the



member is, or with the concurrence of a person who is, one of the following members:

- (a) the President;
- (b) a Deputy President;
- (c) a senior member, or an ordinary member, who is a legally qualified member.

***Division 8 – Other procedural and related provisions***

**112. Sittings**

The Tribunal will sit at the times and places as the President of the Tribunal directs, which may include at different places at the same time.

**113. Hearings in public**

- (1) Subject to this or any other Act, proceedings before the Tribunal, other than mediation proceedings or conferences, must be heard in public.
- (2) The Tribunal may give a direction under subsection (3) if it is satisfied that it is desirable to do so –
  - (a) in the interest of justice; or

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- (b) by reason of the confidential nature of the evidence to be given before the Tribunal; or
  - (c) in order to expedite proceedings of the Tribunal; or
  - (d) for any other reason that the Tribunal considers sufficient.
- (3) The Tribunal may give directions –
  - (a) requiring that a hearing, or part of a hearing, be held in private; or
  - (b) prohibiting or restricting the publication of the name and address of a witness appearing before the Tribunal; or
  - (c) prohibiting or restricting the publication of evidence given before the Tribunal or of the contents of any document produced to the Tribunal; or
  - (d) prohibiting or restricting the disclosure, to some or all of the parties to proceedings before the Tribunal, of evidence given before the Tribunal or of the contents of any document produced to the Tribunal; or

- (e) excluding any person from the hearing before the Tribunal of any part of the proceedings.
- (4) A person must comply with a direction of the Tribunal under subsection (3).

Penalty: Fine not exceeding 30 penalty units.

**114. Preserving subject matter of proceedings**

- (1) The Tribunal may, on the terms that appear to it to be just, make an order that may be necessary –
  - (a) to preserve the subject matter of proceedings; or
  - (b) to otherwise protect the interests of a party –until questions arising in the proceedings have been finally determined.
- (2) The Tribunal's power to make an order under subsection (1) is exercisable by –
  - (a) the President, or a Deputy President, of the Tribunal; or
  - (b) any other member of the Tribunal who –
    - (i) is a legally qualified member; and

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- (ii) is authorised by the President to make orders under this section.
- (3) The Tribunal may make the order on the application of a party or on its own initiative.
- (4) An order may be made under this section whether or not a person whose interests may be affected –
  - (a) is a party; or
  - (b) has been given an opportunity to be heard.
- (5) An order may be made under this section –
  - (a) for a specified period; or
  - (b) until a specified event or stage in the proceedings.
- (6) In making an order under this section, the Tribunal –
  - (a) may require an undertaking as to costs or damages that it considers appropriate; and
  - (b) may provide for the revocation of the order if specified conditions are met.

- (7) The Tribunal may assess any costs or damages referred to in subsection (6)(a) and any amount so assessed is recoverable as a debt in a court of competent jurisdiction.
- (8) The rules may place conditions on the Tribunal's power to make an order under this section.
- (9) The Tribunal's power under this section is in addition to, and does not limit, any power of the Tribunal under a relevant Act to make an order in the nature of an injunction or interim injunction.

**115. Interlocutory orders**

The Tribunal has power, in relation to matters within its jurisdiction, to make interlocutory orders.

**116. Conditional, alternative and ancillary orders and directions**

- (1) The Tribunal may make orders and give directions on conditions that the Tribunal considers appropriate.
- (2) The Tribunal may make orders in the alternative so that a particular order takes effect, or does not take effect, according to whether stipulated conditions are complied with.

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- (3) The Tribunal may, when making an ancillary order, provide that a decision of the Tribunal is to be implemented by a person who is not a party to the relevant proceedings.

**117. Relief from time limits**

- (1) The rules may provide for the Tribunal to extend or abridge a time limit for doing anything in connection with any proceedings, or the commencement of any proceedings, even though the limit is imposed under this Act or a relevant Act.
- (2) The extension –
  - (a) may be authorised even though the time for complying has passed; and
  - (b) may be given on conditions specified by the Tribunal.

**118. Electronic hearings and proceedings without hearings**

- (1) If the Tribunal considers it appropriate, it may allow –
  - (a) the parties and their representatives; and
  - (b) any witnesses, or one or more of them –

to participate in any proceedings by means of telephone, video link or any other system or method of communication.

- (2) If the Tribunal considers it appropriate, it may conduct all or part of any proceedings entirely on the basis of documents without the parties or their representatives or any witnesses attending or participating in a hearing or any other part of the proceedings.
- (3) If the Tribunal acts under this section, the Tribunal is to take steps to ensure that the public has access to, or is precluded from access to, matters disclosed in the proceedings to the same extent as if the proceedings had been heard before the Tribunal with the attendance in person of all persons involved in the proceedings.

#### **119. Completion of part-heard matters**

A person who ceases to hold office as a member of the Tribunal, other than on account of having his or her appointment revoked or being removed from office, may continue to act in the relevant office for the purpose of completing the hearing and determining proceedings part-heard by the person at the time when he or she ceased to hold that office.

**120. Other claims of privilege**

- (1) A person is excused from answering a question or producing a document or other material in any proceedings if the person could not be compelled to answer the question or produce the document or material in proceedings in the Supreme Court.
- (2) The Tribunal may require a person to produce a document or other material to it for the purpose of determining whether or not it is a document or material that the Tribunal has power to compel the person to produce.

**PART 10 – APPEALS**

**121. Appeals against Tribunal in its review jurisdiction**

- (1) A person who is a party to proceedings of the Tribunal in its review jurisdiction may appeal to the Supreme Court against a determination made in the proceedings.
- (2) A person may appeal to the Supreme Court if the person is aggrieved by any determination of the Tribunal made otherwise than in proceedings.
- (3) An appeal may be brought –



- (a) on a question of law, as of right;  
or
- (b) on any other question, with the  
leave of the Supreme Court.

**122. Procedure on appeals**

- (1) An appeal under section 121 in relation to a determination is to be instituted in accordance with the rules in force under the *Supreme Court Civil Procedure Act 1932* –
  - (a) within 30 days after the day on which the determination is made;  
or
  - (b) if, within the period referred to in paragraph (a), the person instituting the appeal gives to the Tribunal a written request for a statement of reasons for the determination – within 30 days after the day on which the person is given that statement of reasons.
- (2) Despite subsection (1), the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be instituted within the period referred to in that subsection, even if the time for instituting the appeal has expired.

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**123. Determination of appeal**

- (1) The Supreme Court may, on an appeal under this Part –
  - (a) affirm the decision appealed against; or
  - (b) vary the decision appealed against; or
  - (c) set aside the decision appealed against and, if it considers fit, return the matter to the Tribunal for reconsideration in accordance with any directions that the Court considers appropriate.
- (2) The Supreme Court may, on an appeal under this Part, make any interim, ancillary or consequential order that the Court considers appropriate.

**124. Effect of review on decision**

- (1) The commencement of proceedings under this Part does not affect the operation of a decision to which the proceedings relate or prevent the taking of action to implement such a decision.
- (2) However, the Supreme Court may, on the conditions, if any, that are specified in the order, make an order staying the operation of a relevant decision,

including a decision of a relevant decision-maker, until the proceedings are finally decided.

- (3) The Supreme Court may act under subsection (2) on application or on its own initiative.
- (4) The Tribunal's power to act under subsection (2) is exercisable only by a legally qualified member of the Tribunal.

## **PART 11 – MISCELLANEOUS**

### **125. Protections and immunities**

- (1) A member of the Tribunal has, in the performance and exercise of the functions and powers of a member of the Tribunal, the same protection and immunities as a judge of the Supreme Court.
- (2) A member of the staff of the Tribunal incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.
- (3) A person representing a party to proceedings before the Tribunal has the same protection and immunity as a legal practitioner has in representing a party in proceedings in the Supreme Court.

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- (4) A party to proceedings before the Tribunal has the same protection and immunity as a party to proceedings in the Supreme Court.
- (5) A person who appears as a witness before the Tribunal or produces books, papers or documents to the Tribunal has the same protection as a witness in proceedings before the Supreme Court.
- (6) A person who –
  - (a) is taking evidence on behalf of the Tribunal; or
  - (b) is specified as a mediator by the Tribunal under section 101 and who is carrying out mediation under this Act; or
  - (c) is an expert acting for, or providing advice to, the Tribunal –

has, in doing so, the same protections, privileges and immunities as a member of the Tribunal.

**126. Protection from liability for torts**

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function

under this Act or a relevant Act as a member of the Tribunal, a member of the staff of the Tribunal or an officer of the Tribunal.

- (2) The Crown is also relieved of any liability that it might otherwise have had for a person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act or a relevant Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

#### **127. Protection for compliance with Act**

- (1) No civil or criminal liability attaches to a person for compliance, or purported compliance, in good faith, with a requirement of this Act.
- (2) In particular, if a person produces a document or other material as required under this Act, no civil liability attaches to the person for producing the document or material, whether the liability would arise under a contract or otherwise.

**128. Alternative orders and relief**

Although a particular form of order or relief is sought by an applicant in proceedings before the Tribunal, the Tribunal may make any other form of order or grant any other form of relief that it considers more appropriate in the circumstances of the case.

**129. Power to cure irregularities**

- (1) If in proceedings before the Tribunal or on appeal from the Tribunal to the Supreme Court it appears to the Tribunal or the Court –
  - (a) that some irregularity has occurred affecting the proceedings or any matter to which the proceedings relate; and
  - (b) that it would be conducive to the expeditious resolution of the questions of substance at issue between the parties if the powers conferred by this section were exercised –

the Tribunal or the Court may cure the irregularity by ordering that, subject to the fulfilment of the conditions, if any, that are stipulated by the Tribunal or the Court, a requirement of this Act, or of

any other Act or law, be dispensed with to the extent necessary for the purpose.

- (2) An order under this section does not affect the rights or liabilities of persons who are not parties to the proceedings.

### **130. Correcting mistakes**

- (1) The Tribunal may correct a decision given by the Tribunal, or a statement of the reasons it has given for its decision, to the extent necessary to rectify –
- (a) a clerical mistake; or
  - (b) an error arising from an accidental slip or omission; or
  - (c) a material miscalculation of figures or a material mistake in the description of any person, thing or matter referred to in the decision; or
  - (d) a defect of form.
- (2) The correction may be made –
- (a) on a party's application made in accordance with the rules; or
  - (b) on the Tribunal's own initiative.

**131. Tribunal may review its decision if person was absent**

(1) In this section –

*relevant hearing*, in relation to a decision of the Tribunal, means a hearing at which the decision was made or which preceded the making of the decision (including a compulsory conference) but does not include mediation.

(2) A person in respect of whom the Tribunal makes a decision may apply to the Tribunal for a review of the decision, if the person did not appear and was not represented at a relevant hearing.

(3) An application under subsection (2) must be made within the time limits specified by, and otherwise in accordance with, the rules.

(4) The rules may limit the number of applications that may be made under this section in respect of the same matter without leave of the Tribunal.

(5) If, on hearing the application, the Tribunal is satisfied that the applicant had a reasonable excuse for not attending or being represented at the relevant hearing, the Tribunal is to review the decision and may revoke or vary it, if the



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Tribunal considers it appropriate to do so.

- (6) For the hearing of the application, the Tribunal is to be constituted, if practicable, by the members by whom it was constituted when it made the decision.
- (7) A review under this section –
  - (a) is part of the original proceedings; and
  - (b) is not a review of a decision for the purposes of section 75.

**132. Tribunal may authorise person to take evidence**

- (1) The Tribunal may authorise, in writing, a person, whether or not the person is a member of the Tribunal, to take evidence on behalf of the Tribunal for the purposes of any proceedings.
- (2) The Tribunal's power under subsection (1) to authorise the taking of evidence is exercisable only by the President or a Deputy President.
- (3) The Tribunal may authorise evidence to be taken under this section outside Tasmania.

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- (4) The Tribunal may give directions as to the taking of evidence under this section.
- (5) If a person other than a member of the Tribunal is authorised under this section to take evidence, the person has all the powers of a member of the Tribunal in relation to the taking of evidence.
- (6) Evidence take under this section –
  - (a) is to be regarded as having been given to the Tribunal; and
  - (b) if taken outside Tasmania, is to be regarded as having been given in Tasmania.

**133. Miscellaneous provisions relating to legal process and service**

- (1) Any process of the Tribunal may be issued, served or executed on a Sunday as well as any other day.
- (2) The validity of process is not affected by the fact that the person who issued it dies or ceases to hold office.
- (3) If it is not practicable to serve any process, notice or other document relating to any proceedings in the manner otherwise prescribed or contemplated by law, the Tribunal may, by order –
  - (a) provide for service –

- (i) by post; or
  - (ii) in any other way, including by substituted service, authorised by the regulations; or
- (b) make any other provision that may be necessary or desirable for service.
- (4) Any process, notice or other document served in accordance with an order under subsection (3) is, despite any other law, taken to have been duly served.
- (5) A registrar is expressly authorised to make an order under subsection (3).

#### **134. Proof of decisions and orders of Tribunal**

An apparently genuine document purporting –

- (a) to be a copy of a decision or order of the Tribunal; and
- (b) to be certified as such by a registrar –

is to be accepted in any legal proceedings, in the absence of proof to the contrary, as a true copy of a decision or order of the Tribunal.

**135. Enforcement of decisions and orders of Tribunal**

- (1) If the Tribunal makes a monetary order, the amount specified in the order may be recovered in the appropriate court, by a person recognised by the regulations for the purposes of this subsection, as if it were a debt due and payable to the person.
- (2) A person must not contravene or fail to comply with an order of the Tribunal, other than a monetary order.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding one year.

- (3) In this section –

***appropriate court*** means –

- (a) in relation to an order of the Tribunal that is a monetary order for an amount that does not exceed the amount that represents the jurisdiction limit of the Magistrates Court for a monetary claim founded on contract – the Magistrates Court;
- (b) in any other case – the Supreme Court.

**136. Accessibility of evidence**

- (1) Subject to this section and any relevant Act, the Tribunal may, on application by any member of the public, allow the applicant to inspect or obtain a copy of –
  - (a) any process relating to proceedings and forming part of the Tribunal's records; or
  - (b) a transcript of evidence taken by the Tribunal in any proceedings; or
  - (c) any documentary or other material produced or provided to the Tribunal in any proceedings; or
  - (d) any decision or order given or made by the Tribunal; or
  - (e) any other material of a prescribed kind.
- (2) A member of the public may inspect or obtain a copy of the following material only with the permission of the Tribunal:
  - (a) material that was produced or provided to the Tribunal in a hearing (or part of a hearing) held in private;

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- (b) material the disclosure of which would be contrary to a direction or order of the Tribunal given under another provision of this or any other Act;
  - (c) material of a class prescribed by the regulations.
- (3) The Tribunal may permit inspection or copying of material referred to in subsection (1) or (2) subject to any condition that it considers appropriate, including a condition limiting the publication or use of the material.
- (4) A decision by the Tribunal on an application under this section is administrative and is final and not subject to any form of review.
- (5) The Tribunal may charge a fee, fixed by regulation, for inspection or copying of material under this section.

**137. Annual report**

- (1) The President of the Tribunal must, on or before 31 October in each year, make a report to the Attorney-General on the administration and operation of the Tribunal during the previous financial year.

- (2) The Attorney-General must, within 12 sitting-days after receiving a report under this section, cause copies of the report to be laid before both Houses of Parliament.

**138. Disrupting proceedings of Tribunal**

- (1) A person must not –
- (a) wilfully interrupt any proceedings of the Tribunal; or
  - (b) use offensive language, or behave in a disorderly or offensive manner, towards the Tribunal, members of the Tribunal or officers of the Tribunal or at a place where proceedings of the Tribunal are being conducted.

Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months.

- (2) Nothing in this section derogates from the operation of another provision of this Act.
- (3) In this section –

*offensive* includes threatening, abusive or insulting.

### **139. Confidentiality**

- (1) Despite the provisions of any other Act, if information may be obtained by, or provided to, a person under an Act under which a relevant Board or Tribunal is established or under which a relevant Board or Tribunal has functions or powers, the information may be obtained by or provided to a person who is –
- (a) the President, the Acting President or a Deputy President; or
  - (b) the Registrar, a Deputy Registrar or a member of the staff of the Tribunal; or
  - (c) a member of the staff of the relevant Board or Tribunal or of another relevant Board or Tribunal –
- as if the person were a person by whom such information may be obtained, or to whom such information may be provided, under that Act.
- (2) This section only applies to information obtained or provided under this section before the establishment day.



**140. Use of facilities, &c.**

- (1) This section only applies before the establishment day.
- (2) The Secretary of the Department may direct that members of, and members of the staff of, any relevant Board or Tribunal are to be located in premises that are to be used for the purposes of the Tribunal.
- (3) The President, the Acting President or the Registrar may give, to members of the staff of any relevant Board or Tribunal who are, or are to be, located in premises that are to be used for the purposes of the Tribunal, directions that are necessary or convenient to ensure the efficient and effective –
  - (a) administration and use of the premises and any facilities and equipment at the premises; and
  - (b) use of the services of those members of staff.

**141. Interim rules may be made by President or Acting President**

- (1) The President or the Acting President may, before the establishment day, make, under section 143, rules of the Tribunal,

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including rules that amend or revoke any such rules.

- (2) Rules made by the President, or the Acting President, in accordance with subsection (1) may only be specified to come into force on a day, after the rules are made, that is before the establishment day.
- (3) The President, or the Acting President, before making, under subsection (1), a provision of the rules of the Tribunal that is to apply only in relation to a stream of a Division of the Tribunal (rather than to all Divisions of the Tribunal or to all streams of all Divisions of the Tribunal) is to consult with each of the relevant persons in relation to the stream of the Division of the Tribunal.
- (4) For the purposes of subsection (3), the relevant persons in relation to a stream of the Division of the Tribunal are each person whom the President or Acting President considers to be the head (however described) of a relevant Board or Tribunal referred to in an Act that is specified, in the Division Schedule in relation to the Division of the Tribunal, to be an Act in relation to which the stream of the Tribunal has functions or powers.

**142. Rules Committee**

- (1) There is to be, after the establishment day, a Rules Committee.
- (2) The Rules Committee is to be composed of the following:
  - (a) the President;
  - (b) each Division Head or a member nominated by the Division Head;
  - (c) such other members as may be appointed by the President from time to time.
- (3) Rules may, after the establishment day, be made under section 143 by the Rules Committee.
- (4) The rules that may be made under section 143 include rules that amend or revoke rules made under that subsection or section 141(1).
- (5) The quorum for a meeting of the Rules Committee is a majority of the members of the Committee from time to time.
- (6) The procedures of the Rules Committee are to be as determined by the President from time to time.
- (7) The rules made by the Rules Committee may, in accordance with section 143(4), only prescribe a rule for a particular

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Division of the Tribunal that is not a rule applying to Divisions generally, if the Division Head in relation to the Division, or a member nominated by the Division Head, is present at the meeting at which the rule is made.

**143. Rules**

- (1) A person or body who is authorised under section 141 or 142 may make rules of the Tribunal.
- (2) The rules of the Tribunal may –
  - (a) regulate the business of the Tribunal and the duties of the various members and staff of the Tribunal; and
  - (b) authorise the registrars and other members of the staff of the Tribunal to exercise powers with respect to proceedings before the Tribunal and provide for the internal review of specified classes of decisions in specified circumstances; and
  - (c) regulate the practice and procedure of the Tribunal; and
  - (d) provide for the provision of written statements of reasons for decisions of the Tribunal at first

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instance for the purposes of an internal review of the decision by the Tribunal; and

- (e) impose obligations, on persons seeking to commence proceedings before the Tribunal, to take any step, including to give a notification (orally or in writing) to another person or to provide any specified information; and
- (f) provide for the service of applications, referrals and appeals and other documents; and
- (g) impose obligations on parties to proceedings before the Tribunal to disclose to each other, before or in connection with the hearing of the proceedings, the contents of expert reports or other material of relevance to the proceedings; and
- (h) regulate –
  - (i) the referral of a matter to mediation, conciliation or alternative dispute resolution; and
  - (ii) the conduct of mediations, conciliation or alternative dispute resolution; and

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- (iii) the referral of questions for investigation and report by an expert or referee; and
  - (i) regulate the form in which evidence may be taken; and
  - (j) restrict or prohibit certain classes of persons from appearing as representatives in proceedings before the Tribunal; and
  - (k) provide for the Tribunal to waive any procedural requirement; and
  - (l) regulate costs and provide for the assessment and settling of costs; and
  - (m) provide for witness fees; and
  - (n) provide for other matters relating to the management, conduct or settlement of proceedings before the Tribunal; and
  - (o) deal with any other matters necessary or expedient for the effective and efficient operation of the Tribunal.
- (3) The rules of the Tribunal may include rules in respect of any jurisdiction conferred on the Tribunal by a relevant Act.

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- (4) The rules of the Tribunal may prescribe different rules for –
    - (a) each of the Divisions of the Tribunal; and
    - (b) different streams in the same Division of the Tribunal; and
    - (c) different classes of matters.
  - (5) The rules of the Tribunal take effect from the date of publication in the *Gazette* or a later date specified in the rules.
  - (6) The rules of the Tribunal must be consistent with the regulations, this Act and any relevant Act.
  - (7) Rules made under section 67 of this Act, as in force immediately before the day on which this section is inserted in this Act by the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021*, are to be taken on and from the establishment day to have been made under this section.

**144. Code of conduct**

- (1) The President may prepare and issue a code of conduct that is to apply to members of the Tribunal.
- (2) A code of conduct made under section 68 of this Act, as in force immediately

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before the day on which this section is inserted in this Act by the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021*, is to be taken, on and from the establishment day, to have been made under this section.

**145. Appointments and other matters to facilitate establishment of Tribunal**

- (1) A person may be appointed to any office or other position under this Act before the establishment day.
- (2) Without limiting subsection (1), the following appointments may be made before the establishment day:
  - (a) appointment as the President, a Deputy President or as any other kind of member;
  - (b) appointment as the Registrar, a Deputy Registrar or other member of the staff of the Tribunal.
- (3) A person may be appointed under section 21(1) as the Acting President for a term beginning before the establishment day.
- (4) The requirements of section 21(2) do not apply to an appointment under section 21(1) of a person as the Acting



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President that is made in accordance with subsection (3).

- (5) If, before the establishment day, a person who is appointed as the Acting President in accordance with subsection (3) has not ceased to be the Acting President, the appointment of the person ceases on the establishment day.
- (6) The requirements of section 53(4) do not apply in relation to the appointment, before the establishment day, of the Registrar or a Deputy Registrar.
- (7) An appointment made before the establishment day has effect, from the day specified in the instrument of appointment, as if the Tribunal had been established.
- (8) A person who is appointed as the President, in accordance with subsection (1), or who is, in accordance with subsection (3), appointed under section 21(1) as the Acting President, is taken to be assigned to be the Division Head of a Division of the Tribunal under this Act until another person is assigned to be the Division Head of the Division of the Tribunal.
- (9) The requirements of clause 2 of Part 2 of Schedule 2, and clause 2 of Part 2 of Schedule 3, do not apply in relation to a

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person who is a Division Head in accordance with subsection (8).

- (10) A person who is a member of a relevant Board or Tribunal is not to be taken under any Act as being disqualified from holding the office of such a member, or liable to any sanction or punishment, by reason only that the person also holds an office under this Act.
- (11) A person who was appointed under section 69 of this Act, as in force immediately before the commencement of this provision, is taken to have been appointed under this section.

**146. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
  - (a) provide for information to be included in registers to be kept for the purposes of this Act; and
  - (b) prescribe matters relevant to the practice or procedures of the Tribunal; and
  - (c) prescribe, and provide for the payment of, fees in relation to

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proceedings before the Tribunal;  
and

- (d) prescribe penalties not exceeding 50 penalty units for contravention of, or non-compliance with, any regulation; and
  - (e) make provisions of a savings or transitional nature consequent on the vesting of jurisdiction on the Tribunal under another Act.
- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by a person or body specified in the regulations.
- (5) Without limiting the generality of subsection (2), a regulation under subsection (2)(e) may –
- (a) operate in addition to any savings or transitional provision enacted under another Act in connection with the vesting of jurisdiction in the Tribunal; and
  - (b) operate so as to modify the operation or effect of another Act

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insofar as may be expedient in connection with the transfer of jurisdiction to the Tribunal from another entity; and

- (c) take effect from the day on which jurisdiction is vested in the Tribunal under another Act (including so as to provide for the retrospective operation of the regulation).

**147. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

**PART 12 – TRANSITIONAL PROVISIONS**  
***Division 1 – Abolition of Boards and Tribunals and***  
***Transition of Certain Members***

**148. Interpretation of Part 12**

In this Part –

***current member of a relevant Board or Tribunal*** means a person who, immediately before the establishment day, held office as –

- (a) the head of the relevant Board or Tribunal (however described); or
- (b) a deputy head of the relevant Board or Tribunal (however described); or
- (c) a member of the relevant Board or Tribunal (however described).

**149. Abolition of existing Boards and Tribunals**

Each relevant Board or Tribunal is abolished on the establishment day.

**150. Current members of relevant Board or Tribunal cease to hold office**

- (1) A current member of a relevant Board or Tribunal ceases to hold office as such on the establishment day.
- (2) If a person ceases to hold an office by virtue of subsection (1), the person is not entitled to any remuneration or compensation because of the loss of that office.

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- (3) Subsection (2) applies despite anything in a relevant Act concerning the circumstances or processes for the removal of the person from, or the vacation of the office of, a person from an office under the relevant Act.

**151. Current members to hold office as members of Tribunal**

- (1) A current member of a relevant Board or Tribunal referred to in column 1 of the following table becomes, on the establishment day, a member of the Tribunal of the type specified opposite in column 2 of the table.

<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
1. President of Mental Health Tribunal	Deputy President
2. Deputy President of Mental Health Tribunal	Senior member
3. Member of Mental Health Tribunal	Ordinary member
4. President of Guardianship and Administration Board	Deputy President

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Column 1 – Member of Board or Tribunal	Column 2 – Tribunal member
5. Deputy President of Guardianship and Administration Board	Senior member
6. Member of Guardianship and Administration Board	Ordinary member
7. Chairperson of Resource Management and Planning Appeal Tribunal	Deputy President
8. Deputy Chairperson of Resource Management and Planning Appeal Tribunal	Senior member
9. Member of Resource Management and Planning Appeal Tribunal	Ordinary member
10. Chief Commissioner of the Asbestos Compensation Tribunal	Deputy President
11. Commissioner of the Asbestos Compensation Tribunal	Deputy President
12. Part time member of Asbestos Compensation Tribunal	Ordinary member

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<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
13. Chief Commissioner of the Workers Rehabilitation and Compensation Tribunal	Deputy President
14. Commissioner of the Workers Rehabilitation and Compensation Tribunal	Deputy President
15. Part-time Commissioner of Workers Rehabilitation and Compensation Tribunal	Ordinary member
16. Chairperson of Anti- Discrimination Tribunal	Deputy President
17. Member of Anti- Discrimination Tribunal	Ordinary member
18. Chairperson of Health Practitioners Tribunal	Deputy President
19. Deputy Chairperson of Health Practitioners Tribunal	Deputy President
20. Professional member, or community member, of Health Practitioners Tribunal	Ordinary member
21. Chairman of Motor Accidents Compensation Tribunal	Deputy President



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<b>Column 1 – Member of Board or Tribunal</b>	<b>Column 2 – Tribunal member</b>
22. Member of Motor Accidents Compensation Tribunal	Ordinary member
23. Chief Chairperson of Forest Practices Tribunal	Senior member
24. Deputy Chief Chairperson of Forest Practices Tribunal	Ordinary member
25. Member of Forest Practices Tribunal	Ordinary member

(2) If a person is a current member of a relevant Board or Tribunal who would, in accordance with the table in subsection (1), become –

(a) both a Deputy President and another member – the person becomes, on the establishment day, a Deputy President; or

(b) both a senior member and an ordinary member and paragraph (a) does not apply – the person becomes, on the establishment day, a senior member only.

(3) If a current member of a relevant Board or Tribunal was, immediately before the establishment day, a person who is

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appointed as a current member on the basis that he or she was to perform and exercise the functions and powers of a current member only during the periods, within the person's term of appointment to that office, determined from time to time by another person, the person is taken to be appointed as a member of the Tribunal on a sessional basis.

- (4) A current member of a relevant Board or Tribunal who, in accordance with subsection (1), becomes a member of the Tribunal and who was appointed under the relevant Act for a period is taken to have been appointed to the office until the day on which his or her appointment as a current member of a relevant Board or Tribunal would have, but for the abolition of the Board or Tribunal by this Act, expired.
- (5) Nothing in this section is to be taken to prevent a person ceasing to hold office under this Act in the circumstances in which a member of the Tribunal ceases to hold office under this Act.

**152. Remuneration of current member of a relevant Board or Tribunal**

- (1) The remuneration, as a member of the Tribunal, of a current member of a relevant Board or Tribunal is to be, for

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the period for which the person holds office as a member of the Tribunal before the person is reappointed, if at all, as a member of the Tribunal –

- (a) the same as the remuneration to which the person was entitled, immediately before the establishment day, as a current member of the Board or Tribunal of which the person was a member; or
  - (b) if the person was, immediately before the establishment day, a member of more than one Board or Tribunal under a relevant Act – the same as the highest remuneration, for any one of those offices, to which the person was entitled immediately before the establishment day.
- (2) Nothing in this section is to be taken to prevent section 5 applying in relation to a person.
- (3) Nothing in this section is to be taken to prevent the application to a person of a determination of the Governor as to the salary, remuneration or allowances of the person, under a provision of this Act that applies to the person, if the determination does not reduce the salary, remuneration or allowances of the person during the

term of office as a member of the  
Tribunal that the person began under this  
Part.

***Division 2 – Proceedings of former relevant Board or  
Tribunal***

**153. Proceedings that were on foot on  
establishment day**

- (1) This section applies in relation to proceedings before a relevant Board or Tribunal that –
  - (a) were instituted or commenced before the establishment day; and
  - (b) have not been finally determined before that day by the relevant Board or Tribunal.
- (2) If proceedings, before a relevant Board or Tribunal, to which this section applies, had not been heard before the establishment day by the relevant Board or Tribunal, the proceedings are to be taken, on and from the establishment day, to have been instituted or commenced before the Tribunal established under this Act and may be heard and determined instead by that Tribunal.
- (3) If a relevant Board or Tribunal had, before the establishment day, begun to

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hear, but had not determined, proceedings, before the relevant Board or Tribunal, to which this section applies, the person or persons constituting the Board or Tribunal for those proceedings –

- (a) are to continue, on and from the establishment day, to hear and determine the matter to which the proceedings relate, sitting as the Tribunal established under this Act; and
  - (b) the Tribunal may have regard to any record of the proceedings before the relevant Board or Tribunal, including a record of any evidence taken in the proceedings before the relevant Board or Tribunal.
- (4) For the purposes of subsections (2) and (3), in relation to proceedings to which those subsections relate –
- (a) the Tribunal established by this Act has and may perform and exercise all the functions and powers that the relevant Board or Tribunal, to which the proceedings related before the establishment day, had immediately before that day; and

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- (b) the provisions of any Act or instrument of a legislative character that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.

**154. Pending court proceedings in relation to relevant Board or Tribunal may be completed**

- (1) This section applies in relation to proceedings, in a court on an appeal against, or for the review of, a decision of a relevant Board or Tribunal, that –
  - (a) were instituted or commenced before the establishment day; and
  - (b) have not been finally determined before that day by the court.
- (2) A court, in proceedings to which this section applies, may, on and from the establishment day, continue to deal with the proceedings until they are concluded.
- (3) For the purposes of proceedings, in a court, referred to in subsection (2) –
  - (a) the court continues to have, and may perform and exercise, all the functions and powers that the court had in relation to the

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proceedings immediately before the establishment day; and

- (b) the provisions of any Act or instrument of a legislative character that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.
- (4) Without limiting subsection (3), if the powers of the court immediately before the establishment day included the power to remit the proceedings to be heard and determined again by a Board or Tribunal in existence immediately before the establishment day, the court may, in determining the proceeding –
- (a) remit the proceedings to the Tribunal established by this Act; and
  - (b) make the other orders that it considers appropriate to facilitate the remitting of the proceedings to the Tribunal established by this Act.

**155. Certain unexercised rights continue**

- (1) If a person had, immediately before the establishment day, a right (including a right exercisable only with leave) –

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- (a) to apply to a relevant Board or Tribunal to make a decision at first instance concerning a matter; or
- (b) to apply to a relevant Board or Tribunal for a review of a decision of another person or body; or
- (c) to appeal to a relevant Board or Tribunal against a decision of another person or body –

but had not, before that day, exercised that right, the person may apply or appeal to the Tribunal established under this Act for the performance and exercise of the same functions and powers that could have been performed or exercised by the relevant Board or Tribunal if that Board or Tribunal had not been abolished.

(2) For the purposes of subsection (1) –

- (a) the Tribunal established by this Act has and may perform and exercise all the functions and powers that the relevant Board or Tribunal would have had in relation to the application or appeal if the application or appeal had been made before the establishment day, including any functions or powers relating to



the granting of leave to apply or appeal; and

- (b) the provisions of any Act or instrument of a legislative character, including provisions concerning the time within which to apply or appeal, that would have applied to or in respect of the proceedings, had this Act not commenced on the establishment day, continue to apply.

**156. Allocation of transitional proceedings to Divisions of Tribunal**

Unless the regulations provide otherwise, the function of determining proceedings, in relation to a relevant Act, that –

- (a) are permitted or required to be determined by the Tribunal under this Part instead of a relevant Board or Tribunal that has been abolished under section 149; or
- (b) are remitted by a court under this Part to the Tribunal for reconsideration or redetermination –

is allocated to the Division specified in relation to the relevant Act under Schedule 2 or Schedule 3.

**157. Saving of orders of relevant Board or Tribunal**

An order made by a relevant Board or Tribunal before the establishment day, including an order that would have come into effect on or after the establishment day, is, subject to this Part, taken on and from that day to be an order made, by the Tribunal established by this Act, under the provision, of the relevant Act, under which the order was made, or the provision of this Act that corresponds to that provision, as the case may be.

**158. Expiration of time periods**

If, for any purpose, time had commenced to run under a provision of a relevant Act in relation to a relevant Board or Tribunal before the establishment day, the time expires for the corresponding purpose under that Act (as amended by this Act), or this Act, as the case may be, at the time at which it would have expired if the Board or Tribunal had not been abolished under section 149.

**159. General savings**

- (1) If anything done, initiated or commenced under a relevant Act in relation to a relevant Board or Tribunal before the establishment day and still has effect, or

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is not completed, before that day could have been done, initiated or commenced under the relevant Act (as amended by this Act) or this Act, if this Act had been in force when the thing was done, initiated or commenced –

- (a) the thing done continues to have effect; or
  - (b) the thing initiated or commenced may be completed as if it had been done, initiated or commenced under the relevant Act, as amended by this Act, or this Act.
- (2) This section applies subject to any express provision of this Act in relation to the matter to which this section applies.

## **7. Repeal of Act**

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.



Australian Government  
Department of Home Affairs

OFFICIAL

# National Flood Mitigation Infrastructure Program

Guidelines December 2020

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## 1. Glossary of key terms

Key term	Definition
applicant	The state or territory government applying funding under the <i>Program</i> .
contact officer	The key working level contact identified by the <i>applicant</i> as the primary point of contact for all engagements on the application or <i>program</i> following submission of the application.
Council of Australian Governments (COAG)	Primary intergovernmental forum in Australia from 1992 to 2020.
Department	The Department of Home Affairs responsible for administering the <i>Program</i> .
Disaster Recovery Funding Arrangements 2018	The arrangements under which the Australian Government provides financial assistance to state and territory governments to assist relief and recovery activities following an eligible natural disaster.
Disaster Recovery Funding Arrangements Management System	The processes and controls implemented by a state or territory government agency and third-party organisations (where applicable) in relation to an estimated reconstruction cost, as defined by the <i>Disaster Recovery Funding Arrangements 2018</i> .
Emergency Response Fund (ERF)	<p>The Emergency Response Fund was established in December 2019 and is administered under the <i>Emergency Response Fund Act 2019</i>, with operational guidance provided in the <i>Emergency Response Fund Program Guidelines</i>.</p> <p>The Emergency Response Fund provides \$150 million annually to support emergency response and recovery from natural disasters in Australia that have a significant or catastrophic impact.</p> <p>The Emergency Response Fund also provides an additional \$50 million annually to build resilience to, prepare for, or reduce the risk of future disasters, or build the long-term sustainability of communities that are at risk of being affected by a future disaster.</p>
<i>Emergency Response Fund Act 2019</i>	The legislation that establishes the Emergency Response Fund.
essential public asset	Defined as 'an asset which must be a transport or public infrastructure asset of an eligible undertaking which, the state considers, and the department agrees, is an integral part of a state's infrastructure and normal functioning of a community' as per the <i>Disaster Recovery Funding Arrangements 2018</i> .
flood mitigation infrastructure	An <i>essential public asset</i> with the primary purpose of reducing the risk of flood to, and/or impact of flooding on, a community or communities.
Minister	The Minister for Agriculture, Drought and Emergency Management who is the accountable authority for the <i>program</i> .
National Disaster Risk Reduction Framework	The framework developed by the Australian Government that outlines the strategic priorities, drivers for action and guiding principles for national disaster risk reduction activities.
program	The National Flood Mitigation Infrastructure Program 2020-21.
program administrator	A member and/or section within the Emergency Management and Coordination Group of the Department of Home Affairs.
program review panel	The expert panel established to ensure the success of the <i>program</i> through the impartial assessment of applications and development of evidence-based recommendations.
project	A <i>flood mitigation infrastructure</i> activity undertaken by the relevant state and territory government in the context of the <i>program</i> .
recipient	The state and territory government receiving <i>program</i> funding for a successful <i>project</i> .
state appointed auditor	An auditor appointed by the state or territory government to conduct audit and assurance activities.



## 2. Overview

### 2.1 Purpose of these guidelines

- 2.1.1 These guidelines provide information on the administration of the National Flood Mitigation Infrastructure Program (*program*). The intended users are the Australian Government, as the *program administrator*, and state and territory governments, as the intended *applicants*.
- 2.1.2 These guidelines may be updated during the course of the *program* to provide further details as they arise, while maintaining the integrity and transparency of the *program*.

### 2.2 Context

- 2.2.1 Many Australian communities are exposed to flooding, with varied impacts and damage that can be substantial and devastating. The Australian Government, in the *State of the Climate 2020*, reported that heavy rainfall events in Australia are becoming more intense, with an increase in the intensity of short-duration extreme rainfalls. Such events are associated with flash flooding and an increased risk to communities. Further, Deloitte Access Economics<sup>1</sup> found flooding to be the most costly natural hazard-related cause of disaster when both tangible and intangible losses are taken into account. However, for many households and communities the ability to reduce flood risk is beyond their control.
- 2.2.2 This *program* reflects the Australian Government's commitment to support impactful, national flood mitigation priorities through the provision of \$50 million in 2020-21 from the *Emergency Response Fund*. In line with National Priority 3: Enhanced investment of the *National Disaster Risk Reduction Framework*<sup>2</sup>, will target high priority locally and nationally significant flood mitigation infrastructure activities, with a view to maximising broader social and economic outcomes, including through limiting future disaster recovery needs and costs.

### 2.3 Program purpose and outcomes

- 2.3.1 The *program* will contribute to, or pay for, the improvement or construction of *flood mitigation infrastructure* to support local communities mitigate their priority flood risks and reduce the impact of flood events.
- 2.3.2 The outcomes to be achieved through the *program* are:
- reduction in the impact of future floods on a specific community or communities
  - reduction in the expected future eligible expenditure under the *Disaster Recovery Funding Arrangements 2018*
  - positive change in the insurability of the existing *flood mitigation infrastructure*
  - addressing relevant household or local government insurance affordability as a result of the improvement or construction of the *flood mitigation infrastructure*, and
  - ancillary to the above, local job creation.

<sup>1</sup> Deloitte Access Economics, (2019). *The social and economic cost of the North and Far North Queensland Monsoon Trough*. Brisbane: Queensland Reconstruction Authority.

<sup>2</sup> Australian Government. Department of Home Affairs, (2018). *National Disaster Risk Reduction Framework*. Canberra: Department of Home Affairs.

### 3. Timeframes

#### 3.1 Delivery Timeframes

- 3.1.1 *Applications for the program will open on 21 December 2020, and close at 5pm AEST on 12 February 2021.*
- 3.1.2 *The Australian Government Project Review Panel will assess applications in early 2021, with the intent to make a recommendation to the Minister and announce successful projects during March 2021.*
- 3.1.3 *Bilateral agreements with relevant state and territory governments will be established following this announcement, with the first milestone payment to be made prior to 30 June 2021.*

#### 3.2 Milestones

- 3.2.1 *Project specific timeframes, including estimated date of completion, and delivery milestones will be determined with the relevant state and territory governments during the development of the bilateral agreement.*

### 4. Funding and agreements

#### 4.1 Funding Source

- 4.1.1 *The program is funded from the \$50 million component of the *Emergency Response Fund* and is made available through the Council of Australian Governments (COAG) Reform Fund.*
- 4.1.2 *The Emergency Response Fund is intended to complement existing sources of funding for relevant activities.*

#### 4.2 Allocation of Funding

- 4.2.1 *A maximum of \$50 million is available in 2020-21 for the program. Allocations will consider:*
  - *prioritisation of projects submitted by the state and territory government*
  - *availability of other Australian Government funding sources*
  - *relative flood risk and mitigation impact*
  - *reduction of relevant household or local government insurance premiums*
  - *likelihood of project success, and*
  - *equitable share across all state and territory jurisdictions, where possible and reasonable.*
- 4.2.2 *There is no funding cap for each application or limit on the number of applications that can be submitted by a state or territory government.*
- 4.2.3 *A co-contribution from the state or territory government, and/or other appropriate funding partners is desirable but not essential.*

#### 4.3 Project funding agreements

- 4.3.1 *Funding for successful project proposals will be provided to state and territory governments through the establishment of a relevant funding arrangement under the *Intergovernmental Agreement on Federal Financial Relations*.*



## 5. Eligibility criteria

### 5.1 Only a state or territory government may apply for *program* funding

- 5.1.1 Only a state or territory government may apply for *program* funding. However, a state or territory government may use a third party to deliver the project on its behalf, including through the procurement of a commercial service provider or through funding a local government.
- 5.1.2 This does not diminish the responsibility of state and territory governments to assure and audit the *project's* preservation of eligibility, integrity and expenditure. Further details are at Section 7. Audit and assurance.

### 5.2 Only flood mitigation infrastructure may be eligible for program funding.

- 5.2.1 Flood mitigation infrastructure is:
- an essential public asset, as defined in the *Disaster Recovery Funding Arrangements 2018*, with the primary purpose of reducing the risk of flood to, and/or impact of flooding on, a community or communities.
- 5.2.2 *Flood mitigation infrastructure* may include but is not limited to dams, levees, bridges, culverts and other drainage systems.
- 5.2.3 State and territory governments are responsible for assessing and evidencing that the infrastructure is *flood mitigation infrastructure* in accordance with paragraphs 5.2.1 and 5.2.2 above.
- Such evidence may include businesses cases, flood mitigation strategies and other supporting documentation which demonstrates eligibility.

### 5.3 A *project* must be for the improvement of an existing or construction of a new *flood mitigation infrastructure*

- 5.3.1 State and territory governments may apply for *program* funding to support the improvement of an existing or the construction of a new *flood mitigation infrastructure*.
- 5.3.2 The improvement of an existing or the construction of a new *flood mitigation infrastructure* must have an outcome of reducing flood risk to, and the impact of flood on, a specific community or communities, and at least one of the following outcomes:
- reduction in expected future eligible expenditure under the *Disaster Recovery Funding Arrangements 2018*
  - material improvement in the insurability of the existing *flood mitigation infrastructure*, and/or
  - addressing relevant household or local government insurance affordability as a result of the *flood mitigation infrastructure*.
- 5.3.3 State and territory governments are required to provide assurance to the Australian Government that the evidence supporting claims of the achievability of relevant outcomes are authoritative and can be relied on.

### 5.4 State and territory governments must consult with local governments and communities

- 5.4.1 State and territory governments are required to consult with, and evidence the consultation with, relevant local governments and/or community or communities on the need for and decision to implement the specific flood mitigation infrastructure *project*.
- 5.4.2 State and territory governments may draw on consultation previously undertaken with appropriate local governments and/or community or communities, where it can be demonstrated that the consultation is relevant and that the outcomes of this consultation remain unchanged.

## **5.5 State and territory government must indicate the relevant priority of *projects***

- 5.5.1 State and territory governments are required to disclose and evidence each project's relative priority within the state or territory and why each *project* has been submitted for *program* funding.
- 5.5.2 If a state or territory government is submitting multiple *applications*, each project must be prioritised within that group of applications.
- 5.5.3 The framework for determining prioritisation must be clearly articulated to allow for a national level assessment of relative priority across multiple states and territories.

## **5.6 Processes for estimating cost of *projects***

- 5.6.1 The estimated *project* costs must be determined through:
  - a market response or competitive bidding undertaken in compliance with relevant state and territory government procurement arrangements, or
  - benchmark pricing in accordance with the methodology for the *Disaster Recovery Funding Arrangements Management System*.

## **5.7 Project cost exclusions**

- 5.7.1 Estimated and actual *project* costs must not include:
  - costs incurred or expected to be incurred by the *applicant* state or territory government agency, or a local government, in the development or delivery of a *project* or application associated with this *program*,
  - costs already incurred by any party in relation to the maintenance, improvement or construction of the relevant *flood mitigation infrastructure* or development of the *project*
  - the cost of the acquisition of land or property.

## **5.8 State and territory governments must disclose other *project* funding sources and amounts**

- 5.8.1 State and territory governments must disclose all *project* funding sources and amounts provided or committed in relation to the *flood mitigation infrastructure*.
- 5.8.2 State and territory governments are also required to disclose whether and how *projects* will be delivered if the full funding request is not available through the *program*.

## **5.9 Only *projects* that do not have an existing full funding commitment are eligible for *program* funding**

- 5.9.1 *Projects* where the *program* funding would be used to replace funding already committed to the *project* from other sources are not eligible under this program.



## 5. Application and assessment processes

### 5.10 Application process

- 5.10.1 Applications must be approved by the respective state or territory government emergency management minister prior to submission to the *Minister*.
- 5.10.2 Approved applications are to be provided to the *Minister*, copied to the *Department* by 5pm AEDT on 12 February 2021.
- 5.10.3 Applications must be submitted using the template at **Attachment A**.
- 5.10.4 The Australian Government reserves the right to discuss the application or *project* and request additional information from the state or territory government through the *contact officer*.

### 5.11 Program Review Panel

- 5.11.1 The *Program Review Panel* will consist of members of the *Department*, and other key Commonwealth agencies, as agreed by the Portfolio Secretary. The *Program Review Panel* will be chaired by a member of the *Department* delegated by the Director General of Emergency Management Australia, being the Commonwealth official responsible for making recommendations to the *Minister*.
- 5.11.2 *Program Review Panel* members will cover a range of relevant subject matter knowledge and expertise to ensure that:
  - *projects* and/or the *program* complement other Australian Government programs, and
  - there is no alternative funding source or duplication of proposals.
- 5.11.3 The *Program Review Panel* will be responsible, where necessary, for substantiating with *applicants* any claims associated with flood risk, disaster recovery funding, insurance, and community impact where the evidence provided by an applicant is considered insufficient.
- 5.11.4 The Australian Government, through the *Program Review Panel*, reserves the right to engage the services of a subject matter expert or representative from a non-government organisation, if required.
  - Allocations may also consider the advice of, and data provided by, Commonwealth agencies, such as the Bureau of Meteorology and the CSIRO.

### 5.12 Assessment Principles

- 5.12.1 To ensure consistency, a predetermined assessment matrix which refers to the eligibility and assessment criteria outlined in section 4.2 and section 5 of these guidelines will be used by the *Program Review Panel*.
- 5.12.2 Assessment against this matrix will result in applications receiving a weighted score, which will be used to inform funding allocation decisions.

### 5.13 Equity principles

- 5.13.1 To ensure an equitable and transparent distribution of funds, allocations will be made based on the merit of each individual application.
- 5.13.2 Consideration will be given to the equitable distribution of the *program* funds to ensure all state and territory governments have an opportunity to receive support for their priority initiative.
- 5.13.3 'Equitable distribution' does not mean an 'equal distribution' of *program* funds.

## 5.14 Decision making

- 5.14.1 The *Minister* is responsible for making decisions about *projects* to receive *program* funding and the amount of *program* funding to be allocated to a *project*.
- 5.14.2 Advice to the *Minister* on the *projects* recommended to receive *program* funding will be provided by the Director General of Emergency Management Australia, informed by the *Program Review Panel*. The *Minister* may take into account other advice as appropriate.

## 5.15 Probity

- 5.15.1 The *Department* will administer the *program* with fairness, transparency, contestability and accountability.

# 6. Monitoring and reporting

## 6.1 Project reporting

- 6.1.1 State and territory governments must undertake regular monitoring and reporting in line with the *project-by-project* requirements outlined in the bilateral agreement.
- 6.1.2 The Australian Government may request additional information and/or reporting, outside the agreed milestones, if deemed necessary.
- 6.1.3 *Project* reporting will be considered as supporting documentation during the audit and assurance process.

# 7. Audit and assurance

## 7.1 Program assurance is informed by the Disaster Recovery Funding Arrangements 2018 state assurance activities<sup>3</sup>

- 7.1.1 The objectives of the *program assurance* activities are to provide the Commonwealth with responsible assurance over:
- each state or territory government's *Disaster Recovery Funding Arrangements Management System*, as it relates to state and territory government controls for the estimation of *project* costs established through state and territory government procurement and/or benchmarking pricing arrangements<sup>4</sup>
  - the eligibility and integrity of the expenditure included in the project expenditure acquittal form.
- 7.1.2 The *Department* will confirm, and the state or territory government must provide a copy of, the assurance report provided for the purposes of the *Disaster Recovery Funding Arrangements 2018*<sup>5</sup>.

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<sup>3</sup> Australian Government. Department of Home Affairs, (2018). *Disaster Recovery Funding Arrangements*. Canberra: Department of Home Affairs.

<sup>4</sup> Australian Government. Department of Home Affairs, (2018). *Disaster Recovery Funding Arrangements*. Canberra: Department of Home Affairs. Page 38, section 10.2.7.

<sup>5</sup> Australian Government. Department of Home Affairs, (2018). *Disaster Recovery Funding Arrangements*. Canberra: Department of Home Affairs.



## **7.2 State and territory government are required to submit an audit report to acquit the project**

- 7.2.1 State and territory governments in receipt of *program* funding are required to submit an audited project expenditure acquittal within three months of the finalisation of the *project*.
- 7.2.2 State and territory governments must engage the services of a *state appointed auditor* to undertake the audit activity.
- 7.2.3 On request from the Department, the *state appointed auditor* must be available to the Department or its auditor for consultation on the audited project expenditure acquittal.
- 7.2.4 The audited project expenditure acquittal must be in the form prescribed at **Attachment B**.

## **7.3 State, territory and local government must maintain appropriate record keeping**

- 7.3.1 State, territory and local governments must keep an accurate audit trail for seven (7) years from the end of the *project*.
- 7.3.2 The *Department* may, at any time, request documentation from applicants to evidence the state or territory government's compliance with any aspect of the *program*.
- 7.3.3 *States* must make available to the *Department* within one (1) month all documentation relevant to a request by the *Department*.

# **8. Public acknowledgement of Commonwealth funding**

## **8.1 Joint announcements of approved *projects***

- 8.1.1 The announcement of an approved *project* or *projects* must be through a joint media release, or other joint announcement, unless otherwise agreed by the *Department*.
- 8.1.2 The *Department* and state or territory *contact officer* must work together on the details of a joint media release or other joint announcement.
- 8.1.3 When referring to an approved *project*, it must be described as:
  - 'jointly funded by the Commonwealth and ^insert name of state^ under the National Flood Mitigation Infrastructure Program' or,
  - 'funded by the Commonwealth under the National Flood Mitigation Infrastructure Program.'

## **8.2 Arrangements for subsequent communication opportunities**

- 8.2.1 State and territory governments, through the *contact officer*, must reach prior agreement with the *Department* on the nature and content of any subsequent events, announcements, promotional material or publicity relating to the *project*. This includes but is not limited to:
  - any state or territory government media releases regarding the *project* or *program*
  - ceremonies related to the *project* or the specific *flood mitigation infrastructure*
  - media events that include reference to the *project* or *program*
  - plaques and signage related to the *project* and the specific *flood mitigation infrastructure*.

## 9. Attachment A – Application Template

### National Flood Mitigation Infrastructure Program Application Covering Sheet

This covering application form is to be submitted by the relevant state or territory government, and must refer to, and include all applications being submitted.

Regardless of the number of applications being submitted by a state or territory government, only one application covering sheet is required.

Grey instructional text should be deleted prior to submission.

#### Part 1 – Applicant Information

State/territory	<i>Choose an item.</i>
Organisation/Department	<i>Name of the organisation submitting the application</i>
Contact Officer	<i>Details of the contact officer, including name, title, email and phone number.</i>

#### Part 2 – Submission overview

Number of applications submitted	<i>Choose an item.</i>
Total value of bids submitted	<i>Provide an approximate total value of all applications submitted</i>
Name of applications submitted	<i>Using dot points, list the name of the applications submitted</i>
Are these applications eligible for funding as per the criteria outlined in the Program Guidelines?	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### Part 3 – Prioritisation

Order of prioritisation	<i>Please place applications in order of prioritisation</i>
Basis for this prioritisation	<i>Please provide a basis for this prioritisation, including any evidence which may have influenced this prioritisation.</i>

#### Part 4 – Minister's clearance

Minister's Name	
Title	
Date of clearance	



## OFFICIAL

### National Flood Mitigation Infrastructure Program

#### Project Application Form

This project application form is to be completed for each project that seeks funding from the National Flood Mitigation Infrastructure Program. In order for this application to be considered eligible, all sections must be completed, with the finalised application attached to the Application Covering Sheet, prepared by the relevant state or territory government.

Grey instructional text should be deleted prior to submission.

Part 1 – Application Overview	
State/territory	<i>Choose an item.</i>
Project name	<i>What is the name of the project?</i>
Will this project be delivered by a third party, such as a commercial service provider or through a local government?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name of the third party or local government	<i>Name of the third party, such as the commercial service provider or local government who will be engaged to deliver the project.</i>
State/Territory Contact officer	<i>Details of the contact officer, including name, title, email and phone number</i>

Part 2 – Project Overview	
Will this project result in the construction of a new asset?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, where will this asset be located	<i>Provide clear details regarding the location of this asset</i>
Will this project result in the improvement of an existing asset?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, where is this asset located?	<i>Provide clear details regarding the location of this asset</i>
If yes, provide an overview of the works	<i>Provide an overview of the works that will be undertaken</i>

Part 3 – Existing Infrastructure	
Has the asset ever been impacted by a natural disaster?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide details of the event	<i>Provide details of the disaster/s, including impacts and associated recovery activities, including costs.</i>
Has financial assistance, such as that available under the Disaster Recovery Funding Arrangements, ever been received for this asset?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details	<i>Outline the assistance provided under the Disaster Recovery Funding Arrangements, including the Australian Government Reference Number (AGRN).</i>
Has financial assistance previously been, or is currently being, provided through Commonwealth, state/territory or other initiatives to support this asset?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Part 4 – Detailed project overview	
Detailed project description	<i>Provide a detailed description of the project.</i>
Why is this project required?	<i>Clearly articulate why this project is required. What would be the consequences if this project was not undertaken?</i>
Are documents attached to provide evidence of this need?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What are the proposed outcomes for this project?	<i>Clearly articulate the proposed outcomes for this project, including community benefits.</i>
What is the proposed delivery timeframe for this project?	<i>Provide an overview of the proposed delivery timeframe for this project, i.e when is it expected to be completed?</i>

Part 5 – Financial	
What is the estimated cost for this project?	<i>What is the estimated cost for this project?</i>
Will a co-contribution be provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what is the value of the co-contribution?	<i>Outline the value of the co-contribution.</i>
If yes, who is providing the co-contribution?	<i>Provide an overview of who is providing the co-contribution (i.e state or territory government, or local government) and outline if this funding is being provided on an ad hoc basis, or through an existing program.</i>

Part 6 – Community Consultation	
Has community consultation been undertaken prior to the submission of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details of this consultation	<i>Provide a detailed overview of the community consultation undertaken to support the development of this application, consideration should be given to the community feedback received, and how this shaped the application.</i>
Are documents attached to provide evidence of this consultation?	<input type="checkbox"/> Yes <input type="checkbox"/> No



## 10. Attachment B – Project acquittal documentation

### National Flood Mitigation Infrastructure Program

#### Acquittal Summary Form

This acquittal summary form is to be completed by the state and territory government for each project that was provided with funding from the National Flood Mitigation Infrastructure Program.

The acquittal summary form must be submitted within three months after the completion of the project. In order for the acquittal summary form to be accepted by the Australian Government, all relevant information and attachments must be included, with the declaration completed by the relevant responsible officer.

Grey instructional text should be deleted prior to submission.

#### Part 1 – General Information

State/territory	<i>Choose an item.</i>
Project name	<i>What is the name of the project, as per the original application?</i>
Project reference number	<i>What is the project reference number provided by the Australian Government?</i>
State/Territory Contact officer	<i>Details of the contact officer, including name, title, email and phone number</i>

#### Part 3 – Acquittal overview (Project outcomes)

Was the project delivered as per the bilateral agreement established between ^state name^ and the Australian Government?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, please justify.	<i>Provide a detailed justification outlining why the project was not delivered in line with the terms and conditions outlined in the bilateral agreement. What impact did this have on the project?</i>

#### Part 2 – Financial Information

Amount allocated to the project	<i>The amount allocated to the project under the National Flood Mitigation Infrastructure Program. This figures should not include the value of a co-contribution (if applicable).</i>
Value of the funding being acquitted	<i>The value of the funding being acquitted in this acquittal summary form.</i>
Was a co-contribution provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what was the value of the co-contribution?	<i>The value of the co-contribution provided.</i>
If yes, who provided the co-contribution?	<i>Provide an overview of who provided the co-contribution (i.e state or territory government, or local government) and outline if the funding was provided on an ad hoc basis, or through an existing program.</i>

#### Part 3 – Acquittal overview (Financial)

Was the project delivered in line with the requirements outlined in the <i>National Flood Mitigation Infrastructure Program   Program Guidelines</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If no, please justify.	Provide a detailed justification outlining why the project was not delivered in line with the requirements outlined in the <i>National Flood Mitigation Program   Program Guidelines</i> .
Where allocated funds used for ineligible expenses as outlined in section 5.7 of the <i>National Flood Mitigation Infrastructure Program   Program Guidelines</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please detail.	Provide a detailed justification outlining why funds provided under the <i>National Flood Mitigation Infrastructure Program</i> were used for ineligible expenses.

### Part 4 – Supporting documentation

Is the Financial Statement Claim attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
As per section 7.2 of the <i>National Flood Mitigation Infrastructure Program   Program Guidelines</i> is a report from the state appointed auditor attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there financial documentation, such as contracts, invoices, receipts etc. attached to support this acquittal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there additional documentation attached to support this acquittal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please specify.	

### Part 5 – Declaration

We/I certify that ^organisation and/or department name^ has delivered ^project name^ under the National Flood Mitigation Infrastructure Program and in line with the requirements outlined in the bilateral agreement, established with the Australian Government on ^date^.

We/I certify that project activities, including expenditure, align and comply with the criteria set out in the National Flood Mitigation Infrastructure Program, Program Guidelines.

We/I acknowledge that records relating to this funding must be kept for a minimum of seven (7) years. We also acknowledge that the Australian Government may request additional information, or conduct an audit to verify the accuracy of information contained in this acquittal summary form.

Name	
Title	
Signature	
Date	



## OFFICIAL

### National Flood Mitigation Infrastructure Program

#### Financial Statement Claim Form

To support the acquittal summary form, the state and territory government must complete the financial statement claim form for each project that was provided with funding from the National Flood Mitigation Infrastructure Program.

The headings in the financial statement claim form template should be amended, if required, to ensure expenditure is accurately outlined. Sub-headings should be included, where possible to assist with breaking down costs.

The declaration must be completed by the relevant responsible officer.

All relevant expenditure must be outlined in the table below, with the final figure to add up to the amount provided by the Australian Government.

	Net expenditure	Value of co-contribution (if applicable)	Australian Government Contribution
<b>Project Management Costs</b>			
<i>Total Project Management Costs</i>			
<b>Construction Costs</b>			
<i>Total Construction Costs</i>			
<b>Audit and Assurance Costs</b>			
<i>Total Audit and Assurance Costs</i>			

#### Declaration

I certify the above stated expenditure by the ^state or territory name^ government is correct and conforms to the National Flood Mitigation Infrastructure Program, Program Guidelines, and the terms and conditions outlined in the bilateral agreement, established on ^data^.

Name	
Title	
Signature	
Date	

# Department of Police, Fire and Emergency Management

OFFICE OF THE SECRETARY

GPO Box 308 HOBART TAS 7001  
Phone (03) 6173 2247  
Email [commissioner@police.tas.gov.au](mailto:commissioner@police.tas.gov.au)

Our ref: A20/271938



24 December 2020

Ms Lyn Eyles  
General Manager  
Central Highlands Council  
PO Box 20  
HAMILTON 7140

Dear Ms Lyn Eyles

## **\$50 MILLION NATIONAL FLOOD MITIGATION INFRASTRUCTURE PROGRAM**

In my role as State Emergency Management Controller, I invite your Council to submit project proposals to be considered for inclusion in the Tasmanian funding application under the \$50 million National Flood Mitigation Infrastructure Program.

State and Territory governments are eligible to apply for funding under the program for the improvement of existing, or the construction of new, flood mitigation infrastructure. State and Territory governments may use a third party such as a local government to deliver the project.

There is no funding cap for each application or a limit on the number of projects that can be submitted for funding by a state or territory. A co-contribution from the state or territory government, and/or other appropriate funding partner is desirable but not essential.

The State Emergency Service is coordinating the preparation of the Tasmanian application. Project proposals will be assessed and prioritised by an expert review panel. Recommended proposals will be submitted to the State Emergency Management Committee for endorsement, and the Minister for Police, Fire and Emergency Management for clearance prior to the submission of the Tasmanian application on 12 February 2021.

Further information on the program and project eligibility can be found in the enclosed Guidelines. Further advice on the preparation of project proposals can be obtained from the SES Flood Policy Unit on 6173 2700 or [ses@ses.tas.gov.au](mailto:ses@ses.tas.gov.au).

Project proposal submissions must use the enclosed Project Application Form and may include additional supporting information. Submissions are to be emailed to [grant.coordinator@ses.tas.gov.au](mailto:grant.coordinator@ses.tas.gov.au) by close of business Friday 22 January 2021.

Yours sincerely

**D L Hine**  
SECRETARY



**ICAN** 2017  
NOBEL  
PEACE  
PRIZE  
**AUSTRALIA**

PO Box 1379  
Carlton VIC 3053  
Australia

+61 3 9023 1958  
info@icanw.org  
www.icanw.org.au

ABN: 96 291 421 937

November 10<sup>th</sup>, 2020

Dear Mayor and Councillors,

History was made last month as the Treaty on the Prohibition of Nuclear Weapons achieved a momentous tipping point on the pathway to permanent international law.

On October 24, the Treaty on the Prohibition of Nuclear Weapons received its 50th ratification, triggering its entry into force 90 days later. Nuclear weapons will be banned under international law on January 22, 2021.

The nuclear ban treaty prohibits nations from developing, testing, producing, manufacturing, transferring, possessing, stockpiling, using or threatening to use nuclear weapons, or allowing nuclear weapons to be stationed on their territory.

**Australia has not yet joined the Treaty.** In just a few months, Australia will be out of step with international law, and an outlier in our Pacific region where most of our neighbours, including New Zealand, have completed the ratification process.

**The International Campaign to Abolish Nuclear Weapons 'Cities Appeal' is the best way local governments across Australia can show their support for nuclear disarmament.**

Fremantle Mayor Dr Brad Pettitt, our region's representative in the international Mayors for Peace Network, has called on Australian councils to take action and participate in the nuclear weapons debate of our time. He notes that; *"This is a crucial issue for cities and towns because nuclear weapons, by their very nature, target civilians, our homes and workplaces. As local government bodies, we have a duty to protect our constituents from the escalating threat of nuclear war."*

In August 2020, after receiving submissions from local councils across the nation, the Australian Local Government Association wrote to the Senator the Hon. Marise Payne Minister for Foreign Affairs with a message: *Councils urge the Australian Government to sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons.*

Thirty-one Australian councils including Sydney, Melbourne, Fremantle, Port Adelaide, Newcastle and Hobart have endorsed the Cities Appeal, and encouraged our federal government to sign and ratify this landmark treaty.

The 'Cities Appeal' has also been supported by Washington DC, Hiroshima, Berlin, Geneva and Los Angeles and hundreds of cities and towns worldwide.

**We now invite your council to endorse the ICAN Cities Appeal in celebration of the Treaty on the Prohibition of Nuclear Weapons' impending entry-into-force.**

The treaty's entry-into-force will cement the illegality of nuclear weapons in international law. This change will influence the behaviour of states, even those which don't join the treaty, interrupt the flow of funds to nuclear arms producers, stimulate debate and increase pressure on nuclear weapons states to disarm.

Wherever they are, cities and towns can be champions in addressing the world's most urgent existential challenges. A suggested council motion in support of the Treaty on the Prohibition of Nuclear Weapons could read as follows:

1. *The 2017 United Nations Treaty on the Prohibition of Nuclear Weapons is the first treaty to comprehensively outlaw nuclear weapons and provide a pathway for their elimination. The. Having received its 50th ratification in October 2020, the treaty will enter into force on 22 January 2021. All national governments are invited to sign and ratify the treaty.*
2. *Entry into force is an important milestone on the path to a nuclear weapon- free world. It will make concrete the standard that nuclear weapons are illegal and illegitimate for all states. It will mark the moment that the treaty becomes a permanent part of international law.*
3. *To commemorate this achievement of global diplomacy, our council endorses the International Campaign to Abolish Nuclear Weapons 'Cities Appeal', which reads:*
4. *Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.*
5. *Therefore, we warmly welcome the entry into force of the UN Treaty on the Prohibition of Nuclear Weapons on 22 January 2021, and we call on our national government to sign and ratify it without delay.*

Your support for this motion will be a small but meaningful step towards Australia's ratification of the treaty, which in turn will contribute to the stigmatisation, prohibition and elimination of nuclear weapons.

**The entry-into-force of this treaty is the beginning of the end of nuclear weapons.**

Supporters of the nuclear ban treaty in Australia include the Australian Red Cross and the Australian Medical Association, both of whom see this as a fundamentally humanitarian issue, beyond party politics.

Australia has joined the treaties prohibiting other inhumane and indiscriminate weapons including biological weapons, chemical weapons, landmines and cluster munitions. Nuclear weapons do not enhance security, and the global tide is turning against them. It is only a matter of time before Australia plays its part and joins the treaty.

I look forward to your council pledging its support for Australia joining the Treaty and joining the cities and towns in support of a more peaceful world.

Kind Regards



Jemila Rushton  
International Campaign to Abolish Nuclear Weapons, Australia

Once passed, the Mayor or elected official can send an email to [jemila@icanw.org](mailto:jemila@icanw.org) indicating that the council endorses the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal. It is recommended that council writes to inform the Foreign Minister and local federal representatives that the council has endorsed the ICAN Cities Appeal.





# **CENTRAL HIGHLANDS COUNCIL ANNUAL REPORT 2019 / 2020**





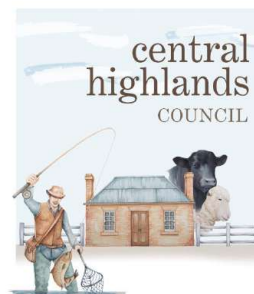
## Contact Information

### Administration & Works & Services

Address: 6 Tarleton Street, Hamilton TAS 7140  
Phone: (03) 6286 3202  
Email: [council@centralhighlands.tas.gov.au](mailto:council@centralhighlands.tas.gov.au)  
Website: [www.centralhighlands.tas.gov.au](http://www.centralhighlands.tas.gov.au)

### Development & Environmental Services

Address: 19 Alexander Street, Bothwell TAS 7030  
Phone: (03) 6259 5503  
Fax: (03) 6259 5722





## **The following statistics are provided from the 2016 Census Data**

### **Population**

Male 1,141      Female 998      Total 2141

The median age of people in the Central Highlands was 50 years. Children 0-14 years made up 16.2% of the population and people aged 65 years and over made up 23.6% of the population.

Aboriginal and/or Torres Strait Islander people made up 5.3% of the population.

### **Employment**

897 people, aged 15 years and over, reported being in the labour force in the week before Census night. Of these 53.6% were employed full time, 30.9% were employed part-time and 8.0% were unemployed.

Of the employed people in Central Highlands, 19.9% worked in Sheep and Beef Cattle Farming, 3.5% worked in accommodation and 3.9% in local government administration.

The most common occupations included managers 23.7%, Labourers 21.4%, Technicians and Trade Workers 15.1%, Community and Personal Service Workers 9.4% and Machinery Operators and Drivers 9.2%.

### **Education**

In the Central Highlands, 24.5% of people were attending an educational institution. Of these, 31.9% were in primary school, 15.4% in secondary school and 9.9% in a tertiary or technical institution.

Of people aged 15 years and over in Central Highlands, 9.1% reported having completed Year 12 as their highest level of educational attainment, 16.1% had completed a Certificate III or IV and 5.9% had completed an Advanced Diploma or Diploma.

### **Families**

Of the families in the Central Highlands 31.1% were couple families with children, 54.6% were couple families without children and 12.4% were one parent families.

In the Central Highlands, of all households, 60.6% were family households, 35.1% were single person households and 4.3% were group households

34.7% of households had a weekly household income of less than \$650 and 3% of households had a weekly income of more than \$3,000.

The median weekly income for people aged 15 years and over was \$467.

### **Dwellings**

36.3 % (891) of private dwellings were occupied and 63.7% (1,561) of private dwellings were unoccupied on census night. Of the occupied private dwellings, 4.0% had 1 bedroom, 23.4% had two bedrooms and 49.4% had 3 bedrooms. The average household size was 2.1 people.

## Introduction

*The Local Government Act 1993* requires every Council in Tasmania to produce an Annual Report. This gives an opportunity for the Council to inform the community of achievements and challenges in the last year, and review areas to be improved upon.

This includes the annual corporate planning and reporting cycle of the Central Highlands Council each year. This report covers the period of the 2019/2020 financial year.

The Council is required under *Section 72 of the Local Government Act 1993* to prepare a report that contains:

- a summary of the annual plan for the preceding financial year;
- a statement of its goals and objectives in relation to public health for the preceding year;
- a statement of the Council's activities and its performance in respect of goals and objectives set for the proceeding financial year;
- the financial statements for the proceeding financial year;
- a statement of the activities and performance of the Council in relation to any activity taken pursuant to Section 21 as compared with its objectives for the preceding financial year;
- a statement of the total allowances and expenses paid to the Mayor, Deputy Mayor and Councillors;
- a statement detailing the attendance of each Councillor at meetings of the Council and any Council Committee during the preceding financial year
- a statement in accordance with Subsection 4 relating to the total remuneration paid to employees of Council who hold positions designated by the Council as being senior position;
- a copy of the audit opinion for the proceeding financial year;
- a statement specifying details of any land donated by the Council under Section 177, including the name of the recipient, the reasons of the donation, and the value of the land;
- any other prescribed matter.

This report contains a series of chapters, each devoted to a function of Council, and an explanation of how these functions interact within the Central Highlands Council structure.

The report also contains audited standard, financial, and performance statements. This shows how monies raised via rates, charges, fees and grants received have been expended.

Each year the Council prepares an Annual Budget within the context of the actions identified in the Strategic Plan 2015 – 2024. The Strategic Plan and Budget are used to inform the decisions and actions of Council for the coming year.

Central Highlands Council values the input of the community. Members of the community are invited to make submissions on the Annual Report for discussion at Council's Annual General Meeting, which will be held at 8.45am on Tuesday 16 February 2021. Any person wishing to make a submission should do so by close of business Tuesday 9 February 2021.

### **Corporate Vision**

To provide residents and visitors opportunities to participate in and enjoy a vibrant local economy, rewarding community life, cultural heritage and a natural environment that is world class.

### **Corporate Mission**

Provide leadership to ensure that local government and other services are provided to satisfy the social, economic and environmental needs of the present day community, whilst endeavouring to ensure the best possible outcomes for future generations.

### **Strategic Plan**

Council's Strategic Plan 2015-2024 is available free of charge by contacting either the Bothwell or Hamilton Office or on Council's website at [www.centralhighlands.tas.gov.au](http://www.centralhighlands.tas.gov.au)

## Mayor's Report

Welcome to the Mayor's Report for the Central Highlands Council financial year 2019/2020 which I provide with pleasure.

Even though this report is a statutory requirement of Council, I provide this report as a continuation of my commitment to true transparency of Central Highlands Council commitments, behaviour and actions over the previous 12 months being the 2019/2020 financial year.



I welcome our new residents who have chosen to join us in the beautiful Central Highlands. Our Council has approximately 798,241 hectares of land, including national parks and world recognised wilderness heritage areas. We have some of the best fly and trout fishing across the world and an ever increasing interest in our tourism opportunities, including Council being approached regarding future tourism opportunities yet to be defined. Tourism is certainly an ongoing and developing area across our Central Highlands, and I am always looking for opportunities for existing and new developments to provide employment of local people as well as the use of locally grown foods on menus and other catering opportunities. Across our whole Central Highlands community we are world renowned for our bushwalking opportunities as well as our ever strong agricultural and horticultural industries.

### Coronavirus (COVID-19)

The Coronavirus or also known as COVID-19 has been one of the most stressful and challenging period for our Council, the wider community and all countries across the globe.

In the past we have endured natural disasters like floods, droughts, fire and financial hardship challenges, but never before has this Council and community had to come to grips with the current global health crisis including our own beautiful state Tasmania.

It has taken the world by surprise.

On Tuesday 17th March 2020, the Ordinary Meeting of Council was held in the Hamilton Town Hall.

Prior to the Council meeting was the Councillors Conversation "off the record" session. This allows Councillors to engage in an open conversation about any council related issues or concerns that we can address, resolve if necessary and then move forward as a team.

I continue to implement this session as I've also found it's yet another avenue that can also provide support across the council table.

The main focus of the meeting was the importance of Council leading the way in the COVID-19 virus.

The meeting commenced at 9am with Council practising 'social distancing' with myself, Councillors, Managers and the Minute Secretary being seated 1.5 metres apart. Masks and hand sanitisers were readily available upon entrance to the Hamilton Town Hall. This has been an ongoing practice for Council meetings whilst alternating the location of meetings between Hamilton and Bothwell Town Halls.

Currently, there are many changes for Council and the wider community to adapt to during this current crisis focusing on an effort to 'Stop the Spread' of COVID-19 in Tasmania. Councillors discussed options to put in place for future monthly Ordinary Meetings of Council and possible Planning Committee meetings. Council as a Planning Authority often have complex development applications that require time consuming discussions, therefore the need to call a Planning Committee meeting.

Options were discussed for future meetings which included video linking and teleconference meetings.

To my understanding, the consensus of Councillors appeared to be in favour of teleconference linkups when we were unable to hold our 'social distancing' meetings in the town halls. This worked reasonably well, however face to face meetings were preferable. Council have cancelled all other committee meetings and community gatherings in an effort to protect our community, especially our elderly who are most vulnerable to this virus. (over 50% of our population are over 50 yrs. of age).

Council made a decision to respect and follow the lead of our RSL, and cancel all ANZAC Day Services in the Central Highlands. Services cancelled throughout the Central Highlands included the Bothwell, Hamilton and Gretna Dawn services.

As a Council we are disappointed we had to make this decision but do not apologise for keeping our community as safe as we possibly can.

Also, we as a Council must abide by the stringent health guidelines and State Government advice provided continuously to enforce changes as they arise; information and updates come on a daily basis (at a minimum), and my aim is to ensure we act immediately on the advice received from officials. The Bothwell Visitor Centre and Hamilton Centres were temporarily closed.

Additional safety measures continue to be undertaken by Council's General Manager, Development & Environmental Services Manager, Works & Services Manager and Environmental Health Officer in the implementation of new rules to protect the office and the outdoor workforce employees in the Bothwell and Hamilton offices and depots.

From Monday 30th March 2020, both Bothwell and Hamilton administration offices were temporarily closed to the public.

Currently, Central Highlands Council's Administration Officers continue to abide by 'social distancing' and conduct their daily duties by a 'common sense' responsible approach and attitude. Workforce transportation changes included workers travelling to their designated tasks in separate vehicles hence practising 'social distancing'.

The Central Highlands Council's Emergency Management Officers keep me updated on emergency management changes and Councillors and council employees continue to participate in temperature checks, hand sanitiser and social distancing upon entry to the halls.

Councillors and employees have been very proactive in working together to minimise any possible spread of the coronavirus

## **COVID-19 in our Community**

Especially now, as our borders open, we must not become complacent. We must all continue to do the right thing to reduce the risk of any outbreaks in our state.

Let's all keep up the good work.

## **Professional and Personal Development Opportunities**

I strongly believe that Council employees and our elected Councillors should continue on a path of both professional and personal development. I have ensured a number of opportunities have been presented to elected Councillors, and have noted that these opportunities can assist in a more informed and understanding of Council including the attendance at workshops and training focusing on Understanding Financial Statements and Reports, the Role and Responsibilities of Elected Councillors including the Governance and Operational processes and functions of Council.

I deemed that a number of workshops were compulsory for Councillors, and thus their attendance and engagement was crucial in development of skills and also enabling a thorough understanding of Council reiterating how our elected arm and employee/administrative arm are expected to work together, with myself as the conduit working closely with our General Manager.

Myself and other councillors are representatives on many committees including the Bothwell Football Club and Community Centre, the Independent Living Units Committee, Bothwell Swimming Pool Committee, Plant Committee, Australia Day Committee, Bothwell Cemetery Committee, Bothwell Visitor Information Centre and Highlands Tasmania Tourism Committee. I have been pleased, and thankful to those Councillors who put in their time and their effort.

Council, when conducting business as the Planning Authority need to remain unbiased and are guided by the Central Highlands Interim Planning Scheme and the Land Use Planning and Approvals Act 1993.

There has been additional opportunities for myself in attending the elected members Local Government Association of Tasmania (LGAT) meetings and conferences, Southern Tasmanian Councils Authority (STCA) and the Mayors Round-table regular meetings. I personally find the Mayors Round-table meetings valuable in that I am able to hear, and share, some issues that overlap all local government, as well as some specific to only one, two or three Councils. At times, these meetings have provided valuable opportunities for our Central Highlands Council to learn from other local government bodies, as well as offering support when, where, and if possible. My continuing relationship with other Mayors at our Round-table meetings has been to talk, and listen, regarding issues and possible solutions to providing and retaining services to local communities.

The Bothwell Doctors Medical Centre, managed by our new service provider Dr Mary Lumsden, has been a thriving centre with doctors available for our Central Highlands community. Many community members travel from all areas of the Central Highlands to visit doctors at this Centre.

Dr Mary has a kind and caring personality and our community are very fond of her. Thank you to our doctors and their staff for their continued support.

Central Highlands Medical Practice in Ouse is operating at full capacity. Thank you to Dr Renier and Susan Swart for their dedication over many years.



I continue to stand strong in my belief that our Central Highlands people should not be placed at a disadvantage based purely on the fact of our geographical location.

The Central Highlands Health and Wellbeing plan - 'Being Well and Staying Well in the Heart of Tasmania' was approved by Council at the July 2020 Ordinary Meeting of Council.

Funding has been included in the 20/21 Council estimates to ensure Council and the community can work towards meeting some of the goals in the Community Health & Wellbeing Plan during COVID-19 and beyond.

### **Bushfire Season**

During 2019/2020 the Central Highlands Council and community were threatened with bushfires throughout our municipality.

In January and February 2019 the Great Pine Tier Fire had burnt 55,328 hectares. We were very fortunate no lives were lost.

The support and coordination provided by State Government departments including Tasmania Police, Tasmania Fire Service, State Emergency Services, Parks & Wildlife Services, Sustainable Timbers Tasmania, working alongside our Council employees, volunteers, local farmers, businesses and residents in protecting our community in circumstances of the emergency like the Great Pine Tier Fire was enormous.

In October 2019 a registered burn resulted in causing a serious vegetation fire at Tods Corner Road and burnt towards Poatina Road, Flintstone, Barren Tier and Miena. This fire burned down the gully towards Poatina Road heading towards Arthur's Lake and Flintstone.

On 30th December 2019 to 8th January 2020 the Pelham Fire was a large fire in the Pelham region of the Central Highlands municipality that put people and public assets at the potential risk of causing death, injury or damage to property. There was a multi-agency response including, but not limited to TFS, TasPol, Parks & Wildlife, SES, contractors and Council.

During this bushfire, earthmoving equipment was deployed by TFS to numerous properties constructing fire breaks for a total of 14 days. The bushfire caused damage to Council's road network in the Pelham area which included damage to the sealed road surface, drainage infrastructure, guard rails, guide posts, landslip area from removal of dangerous trees and vegetation etc. Council's Works Manager estimated the rehabilitation works cost at around \$75,000 to the municipal area.

Everyone played their part, and it was this dedication to community, and support for community that allowed us to face the fires, with no loss of life.

On behalf of the Central Highlands Council I thank you all.

Previous fires I understand has contributed to place our community under extra stress, as many of us including Central Highlands Council, nervously wait the coming fire season.

The past year has seen the negotiation of a number of agreements including funding opportunities which assist in the development and maintenance of our infrastructure and road networks and always keeping in mind identifying additional tourism opportunities.

This includes the vital action of supporting our existing tourism businesses and opportunities. These agreements and funding opportunities around the area requires a permanent and ongoing commitment and dedication from myself, and with the generalised support of council as a whole.

I'm proud that I've been able to deliver infrastructure across the Central Highlands municipality including the re-stabilisation section of road from the Lyell Highway going into Bronte Park Village. I have also secured financial assistance from the State Government to urgently address the needed realignment of the Bothwell 'Pub with No Beer' corner, as well as identifying and correcting the deterioration of the road on the Den Hill. My persistence and determination with State Government Ministers over the past 4 years including organising numerous meetings and on-site visits to the 'Pub with No Beer' site on the Highlands Lakes Road, has resulted in the 'Pub with No Beer' infrastructure works now in progress. The completion date for this project is February 2020.

Our roads and bridges are crucial infrastructure and so that council can keep these roads safe for all users, I continue to identify further areas across the whole of the Central Highlands that may need strengthening and/or redevelopment, or maintenance. As always, I appreciate hearing from our Central Highlands community in regard to infrastructure issues which need to be put forward to receive Council's attention.

A number of capital works have been completed in the 2019/2020 some of which include:

- Pelham Road - Seal
- Ellendale Road - Reseal
- Hollow Tree Road Reseal & Preparation
- Re-sheeting of Gravel Roads
- Flintstone Drive Stabilisation
- Bothwell Football Club & Community Centre - kitchen
- Waste Transfer Stations - slabs for bin placement
- Broad River Bridge, Dawson Rd - underpinning
- Nive River Bridge, Gowan Brae - bridge replacement
- Hunterston Bridge – bridge replacement

Unfortunately, due to COVID-19, it has been necessary for the cancellation of two of the Central Highlands major events. The Hamilton Show, an annual event which has been running for years, had to be cancelled as well as Central Highlands Council's annual Bushfest weekend that is held in Bothwell.

Council are eager to receive ideas from the community for a future event thus providing an important opportunity of drawing locals and visitors to the area, and showcasing the area. The Central Highlands has had a number of businesses opening across the area, which is fantastic, and further increases employment opportunities as well as providing a boost to our economy.

This is an opportune time for me to thank all volunteers across our Central Highlands who give so much of their time for the many different activities throughout the year. Without our volunteers many of our festivals, community events and other events simply wouldn't be possible. So I say Thank You all, for your time and efforts in helping across various roles throughout the year.

In regard to telecommunications across the Central Highlands, I continue, on a regular basis, to engage with both the Commonwealth and State governments speaking directly with the aim of encouraging the targeted financial assistance to our Council to consider addressing the issues of various known black spots. The channelling of these funds is crucial across our Central Highlands area for the safety of our residents, and also for the safety of the many tourists we find travelling our roads.

As well as identifying black spots across our roads I have also concentrated on black spots across our telecommunications; this includes those black spots where our resident's quality of life is not at



the standard of others due to a lack of access of telecommunications, as well as the increased probability of reduction of safety.

Specifically, residents and visitors in the Cramps Bay area around the Great Lake benefitted from the installation of a new Telstra mobile base station that delivers Telstra 3G and 4G mobile data services to the region. This was a long time coming but shows that dedication and commitment, plus raising the issues constantly can produce a positive outcome.

I have continued meeting with the Regional General Manager for Telstra Regional Australia, Tasmania, Mr Michael Patterson, since 2018 regarding Telstra mobile coverage across the municipality. I continually receive correspondence from all tiers of Government. On 18 November 2020 the Australian Government opened the competitive assessment process for Round 5A of the Mobile Black Spot Program (the Program) and is now calling for applications from Mobile Network Operators (MNOs) and Mobile Network Infrastructure Providers (MNIPs). Council may be eligible for consideration under the Program.

The Government has refreshed the design of the Program for Round 5A based on feedback from a wide range of stakeholders, including many councils. This round includes a focus on improving mobile connectivity along major transport corridors and in disaster-prone regions, and on testing new technologies that support shared mobile infrastructure in regional areas. I will keep you updated as we progress.

### **Community Grants Program**

Council has provided assistance through the Community Grants Program of over \$100,000. Some of the recipients include:

- Annual bursaries to Central Highlands Year 10 students at Bothwell, Glenora and New Norfolk High Schools
- Family Day Care Facility
- Annual allocation to Central Highlands General Practice
- Annual allocation to Bothwell Medical Centre
- Annual allocations to Ouse, Westerway, Bothwell, Glenora & New Norfolk Schools
- Individual sports people and groups
- Local Fire Brigades and the Ouse Community Garden.

### **Financial Hardship Assistance**

In reply to many ratepayers' queries to me, it's been important that I provide community with the following information in regard to Financial Hardship Assistance.

Policy No. 2020 – 57 Financial Hardship Assistance Model Policy was approved at the April 2020 'Ordinary' Council Meeting which enables Council to assist community members who are suffering financial hardship by providing an appropriate level of relief for Local Government rates.

The Commercial Addendum developed by the Local Government Association of Tasmania to the Financial Hardship Assistance Model Policy has been provided to achieve a consistent approach to rates assistance for commercial operators across the municipality. This policy was approved by Council at the June 2020 'Ordinary' Council Meeting.

The Commercial Addendum is intended to be supplementary to any other public benefit concessions policy or any other economic relief measure that Council may implement.

The Commercial Addendum applies to commercial/business ratepayers within the Valuer-General land use code – ‘Commercial’ who are experiencing hardship due to the loss of operating revenue or reduced disposable income. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

The principles, as outlined in the Hardship Policy are:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council’s ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services continue to do so.
- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

One additional principle applies to this Commercial Addendum. That is, the principle of proportionality – namely, that any agreed arrangements will take into account both individual and community wide circumstances (such as the COVID-19 pandemic) on commercial ratepayers, with specific regard to their revenue, expenses, and profitability.

This Addendum relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- Local Government Act 1993, Part 9 – Rates and Charges<sup>1</sup>, particularly:
- Section 86A – General principles in relation to making or varying rates
- Sections 125-127 – Postponement of payment
- Section 128 – Late payments
- Section 129 – Remission of rates
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*
- *COVID-19 Disease Emergency (Commercial Leases Code) Act 2020*
- Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

### ***How Council Can Help***

The Local Government Act 1993 provides Council with three methods of rate relief:

1. Postponing rate payments (sections 125-127);
2. Remission of late payment penalties or interest (section 128); and
3. Remission of rates (section 129).

Remission of any rates is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered – see the Hardship Policy for further information.

Businesses eligible for the JobKeeper Program will automatically be treated as experiencing genuine financial hardship.

## ***Scale of Rates Relief***

The following sets out an eligibility scale of rates relief measures based on a business's loss of revenue (due to COVID-19).

Council will apply the following to businesses experiencing loss of revenue (compared to the same period in the previous year):

- Between 75-100% - a rates waiver;
- Between 50-75% - a rates deferral, negotiated payment terms and/or waiver of penalty and interest charges;
- Between 30-50% - negotiated payment terms and/or waiver of penalty and interest charges;
- Between 0-30% - would prima facie receive no benefit unless they show individual cause<sup>1</sup>.

The value of any waiver will be capped at \$1000.

## ***Applications***

To seek Commercial financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- Submitted via online form at: <http://centralhighlands.tas.gov.au/>
- Emailed to Council@Centralhighlands.tas.gov.au; or
- Mailed to PO Box 20, Hamilton TAS 7140.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances;
- Describe the type of assistance sought, being:
  - Postponing rate payments (a deferral arrangement);
  - Remission of late payment penalties or interest; and/or
  - Remission of rates (in the most serious and exceptional of financial hardship cases);
- Address the requirements of the relevant subsections of the Hardship Policy (e.g. How Council Can Help – deferral with the intention of remission).

See Policy No. 2020 – 57 Financial Hardship Assistance Model Policy for information on the assessment of applications.

I look forward to the next financial year, with both excitement and anticipation as we embark on another year of providing on-the-ground services as well as other services and opportunities, aiming to keep our community culture being a culture of true community, and our community spirits high.

I remain honoured to be the Mayor of our stunning Central Highlands, and I continue to work hard to achieve positive results in not only maintaining our way of life across our area, but importantly to identify opportunities that can assist in enhancing our way of life, to provide access to services and crucially to instil a sense of confidence and pride of our area, not just for our elected Councillors, but for our Council employees and our wider Central Highlands community also. I'm always looking for, and listening to, ideas to better our community and implement things that will benefit our people.

For the year that we have completed, Thank You to my fellow elected Councillors and our administrative arm, the employees of the Central Highlands Council. As Mayor, I continue to appreciate the support and respect given to the position of Mayor and I look forward to the year ahead and working to continue to provide further opportunities and support across our Central Highlands. The working relationship between myself as Mayor and our General Manager remains strong and will, no doubt, continue to be an asset of Council in the year ahead.

As Mayor, I shall continue to provide opportunities for discussion and difference of opinions around the table of elected members.

Councillors, I appreciate your time, your effort, your commitment and your support and contribution in building a strong effective Council and in the delivery of services.

Loueen (Lou) Triffitt

Mayor

## Current Councillors as at 30 June 2020



Loueen Triffitt  
**Mayor**  
6286 3275



Jim Allwright  
**Councillor**  
6288 1392



Anthony Archer  
**Councillor**  
0427 215 558



Tony Bailey  
**Councillor**  
0418 863 284



Scott Bowden  
**Councillor**  
0419 595 542



Anita Campbell  
**Councillor**  
0427 538 744



Robert Cassidy  
**Councillor**  
0458 737 747



Julie Honner  
**Councillor**  
0417 168 339



Jim Poore  
**Councillor**  
0412 733 617

## Councillor Attendance at Ordinary Council Meetings, Special Council Meetings & Annual General Meeting

	Meeting Attendance (including Annual Meeting & Special meetings)			
	Full	Part	Absent	Possible
Mayor Loueen Triffitt	13			<b>13</b>
Deputy Mayor James Allwright	13			<b>13</b>
Clr Anthony Archer	8	3	2	<b>13</b>
Clr Anthony Bailey	13			<b>13</b>
Clr Scott Bowden	11		2	<b>13</b>
Clr Anita Campbell	12		1	<b>13</b>
Clr Robert Cassidy	13			<b>13</b>
Clr Julie Honner	13			<b>13</b>
Clr Jim Poore	12		1	<b>13</b>

## Councillor Attendance at Committee Meetings & Workshops

	Meeting Attendance at Council Committee & Audit Panel Meetings as members				Meeting Attendance at Council Workshops			
	Full	Part	Absent	Possible	Full	Part	Absent	Possible
Mayor Loueen M Triffitt	6		2	<b>8</b>	8		1	<b>9</b>
Deputy Mayor James Allwright	10			<b>10</b>	7		2	<b>9</b>
Clr Anthony Archer	1			<b>1</b>	6		3	<b>9</b>
Clr Anthony W Bailey	4			<b>4</b>	8		1	<b>9</b>
Clr Scott Bowden	0		1	<b>1</b>	3		6	<b>9</b>
Clr Anita Campbell	1			<b>1</b>	7		2	<b>9</b>
Clr Robert Cassidy	4		1	<b>5</b>	7	1	1	<b>9</b>
Clr Julie Honner	2			<b>2</b>	8		1	<b>9</b>
Clr Jim Poore	11		1	<b>12</b>	6		3	<b>9</b>



## **Current Council Committee Representation 2019 / 2020**

### **Bothwell Swimming Pool Committee**

Mayor L M Triffitt (Chair)  
Clr J Poore  
Clr A Campbell

### **Plant Committee**

Mayor L M Triffitt (Chair)  
Clr A Bailey  
Clr S Bowden  
Clr A Archer (proxy)

### **Audit Panel**

Clr J R Allwright  
Clr J Poore  
Clr A Campbell (proxy)

### **Planning Committee**

Clr J R Allwright (Chair)  
Mayor L Triffitt  
Clr J Poore  
Clr R L Cassidy  
Clr A Bailey (proxy)

### **Australia Day Committee**

Clr A W Bailey (Chair)  
Clr A Campbell  
Mayor L M Triffitt

### **Bothwell Football Club & Community Centre Committee**

Clr J Honner (Chair)  
Clr A Bailey  
Clr A Campbell (proxy)

### **Central Highlands Visitor Centre Management Committee**

Clr J Poore (Chair)  
Clr J Honner  
Clr R Cassidy (proxy)

### **Bothwell Cemetery Committee**

Mayor L M Triffitt (Chair)  
Clr A Campbell  
Clr R Cassidy  
Clr A Archer (proxy)

### **Independent Living Units Committee**

Mayor L M Triffitt (Chair)  
Clr A Bailey  
Clr Cassidy (proxy)

### **Strategic Planning Sub-Committee**

Clr A Bailey  
Clr A Archer  
Clr A Campbell

### **Highlands Tasmania Tourism Committee**

Mayor L M Triffitt (Chair)  
Deputy Mayor J Allwright  
Clr R L Cassidy (proxy)

### **Waste Committee**

Clr J R Allwright (Chair)  
Clr J Poore  
Clr S Bowden  
Clr J Honner (proxy)

## **External Committee Representation**

### **Bothwell Spin-In Committee**

Mayor L Triffitt  
Clr J Honner (proxy)

### **Australasian Golf Museum**

Mayor L Triffitt  
Clr R Cassidy  
Clr A Archer (Proxy)

### **Southern Tasmanian Waste Group**

Deputy Mayor J Allwright  
Clr S Bowden (Proxy)

### **The Derwent Catchment Project**

Clr A Bailey

### **Great Lake Community Centre Committee**

Mayor L M Triffitt  
Clr J Honner (Proxy)

### **TasWater Owners Representative**

Deputy Mayor J Allwright  
Clr A Archer (deputy rep)

### **Clyde Water Trust (Liaison)**

Clr J Poore

### **Health Action Team Central Highlands (HATCH)**

Clr A Bailey  
Clr J Honner (Proxy)

### **The Central Highlands Men's Shed Steering Committee**

Clr A W Bailey  
Deputy Mayor J Allwright (Proxy)



## Overview & Highlights

### **Central Highlands Health & Wellbeing Plan – Being Well and Staying Well in the Heart of Tasmania**

To help develop this Plan, a series of community conversations were held across the Central Highlands in 2019. The Plan aims to prevent ill-health and build better health. It builds on strengths and provides ways for Central Highlanders and Central Highland communities to connect with their own health and wellbeing, the services they need, and a healthy and well future.

### **Hollow Tree Road Motorcycle Road Safety Audit**

Funding up to \$200,000 from the Tasmanian Government's, Making Our Rural Roads Safer Action Plan theme for the 2020/21 financial year has been allocated to the Central Highlands Council. The funds will be used by the Council, to undertake low-cost infrastructure treatments to improve road safety for motorcyclists on Hollow Tree Road.

Hollow Tree Road was selected as a test case for the motorcycle road safety audit and resulting treatment plan because it has a high relative crash rate for motorcyclists resulting in a number of serious causality crashes and a fatality. Stakeholders have also expressed concerns about the frequency of motorcycle crashes, injuries to riders and damage to property.

The Department of State Growth partnered with the Central Highlands Council to undertake the audit of Hollow Tree Road and a stakeholder workshop on Wednesday 19 February 2020. Stakeholder input through a Safe System approach, identified a number of potential beneficial low-cost infrastructure treatments including:

- Extending culverts located on curve alignments.
- Extending pavement seal on the outside of curves, located at critical sites.
- Sealing of identified bellmouths.
- Signage upgrades for consistency and alignment with the Australian Standards.

Stakeholders were keen to participate in the process and are enthusiastic about the potential road safety benefits to motorcyclists and other road users. Those who participated in the audit and the workshop included:

- Central Highlands Council members
- Expert motorcyclists
- Neighbouring Local Government representatives
- Nominated Central Highlands Council employees
- Nominated local stakeholders
- State Growth employees
- Tasmania Police

## **COVID-19**

As a result of COVID-19, Council introduced the following measures to assist residents and ratepayers:

- No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020
- Rent relief on council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
- Introduced a Financial Hardship Policy to assist ratepayers suffering serious financial hardship
- Introduced the Commercial Addendum to Financial Hardship Assistance Policy for commercial operators
- Settlement of creditor invoices within 14 days to assist local businesses
- Apply a nil increase on rates, fees and charges for 2020-21

### **South Central Sub-Group Grant – Workforce Development Project**

The Tasmanian Community Fund has granted \$395,000 to the South Central Sub-Region (SCS), made up of the Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils, for its Workforce Development Project.

The project essentially is the engagement of a Workforce Development Coordinator for three years to directly connect employers and job seekers whilst ensuring they acquire the necessary training and education.

The Regional Workforce Planning Report of 2017, commissioned by SCS, highlighted the large number of employment opportunities that require specific skills that are not being filled by local job seekers. The project's aim is to match employer requirements with training to enable the regional workforce to take up these local employment opportunities.

The Coordinator will be housed at the South Central Trade Training Centre (SCTTC), in Bridgewater, (thereby facilitating crucial linkages), and will service the entire South Central Sub-region.

The Coordinator will engage with potential employers and employees, and also other organisations such as schools, Skills Tasmania, TasCOSS, the local PCYCs, local government, TasTAFE, the TCBITB and numerous educational and training initiatives such as 26TEN.

The Tasmanian Community Fund is an independent Fund that supports and strengthens Tasmanian communities by distributing funds to those communities.

## **Bothwell Doctor**

Council were pleased, after months of searching, to be able to obtain the services of Dr Mary Lumsden to provide a medical service at Bothwell. Dr Lumsden took over the practice from Huon Regional Care from 1 December 2019.

## **Australia Day**

On 26<sup>th</sup> January 2020, a morning tea was held at the Ellendale Hall to present our annual citizenship awards.

The 2020 Central Highlands Australia Day Citizen of the Year was awarded to Peter Rainbird.

The 2020 Central Highlands Young Citizen of the year was awarded to Brock Watkins.

## **NRM program – The Derwent Catchment Project**

Central Highlands and Derwent Valley Council support a shared NRM program across the municipalities delivered by the Derwent Catchment Project, a local Landcare group.

Major programs this year include: the initiation of a 3-year \$1.3 million pasture network program funded by NRM South through the Australian Government's National Landcare Program to support farmers in best practice dryland grazing; a cross-tenure weed management program which controls priority weed infestations around high value agricultural and natural areas (which has run for 6 years, works with 8 partners and last year brought in \$100,000 cash contributions on top of Councils funding for weed management across the catchment); a strategic plan for sustainable development in tourism and agriculture funded by the Australian Government's Building Better Regions and Central Highlands Council and the Tyenna River Restoration Program which has made massive progress through the Willow Warriors, a group of passionate angler volunteers, and the Clark Family at Lanoma.

Over the last year the Hamilton Native Plant Nursery has become viable enough to employ a full-time nursery manager. The nursery grows natives collected from local seed and hardens them to the Derwent conditions. Last year 25,000 plants were grown for shelterbelts and broader DCP projects including 15,000 saltbush plants for a forage shrub trial as part of the pasture network.

As part of the NRM role DCP undertakes site visits and provides revegetation and species selection advice to landholders across the catchment as well as ad hoc support for rate payers with land management queries.

## Key Focus Areas

### Goal 1 - Community Building: *Build Capacity to enhance community spirit and sense of well being*

#### Strategies

- Continue to upgrade existing public open spaces and sporting facilities and encourage community use
- Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
- Continue to strengthen partnerships with all tiers of government
- Support and encourage social and community events within the Central Highlands
- Provide support to community organisations and groups
- Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
- Foster and support youth activities in the Central Highlands

#### Initiatives

<b>Continue support of local organisations and groups</b>	<p>Council continue to support local organisations and groups by way of in-kind support such as provision of plant and labour, photocopying, and free or subsidised use of Council premises, to name a few.</p> <p><b>Groups to benefit were:</b></p> <ul style="list-style-type: none"><li>➤ Bothwell Exercise Group – waive hall hire fees Bothwell Hall for exercise classes</li><li>➤ Australasian Golf Museum – lease of premises no charge</li><li>➤ Bothwell Historical Society – lease of premises no charge</li><li>➤ Ouse On-Line Access Centre – lease of premises no charge</li><li>➤ Great Lake Community Centre Inc. – lease of premises no charge</li><li>➤ The Derwent Catchment Project – use of premises no charge</li><li>➤ Ellendale Hall Committee – use of Ellendale Hall no charge</li><li>➤ Engineering fees – Hamilton Show Marquees</li><li>➤ Staff Member provide in kind support to “Pop-up Picnic &amp; Play” Queens Park Bothwell</li><li>➤ Waive Fees BDHS for use of Bothwell Football Club &amp; Community Centre</li><li>➤ Contribute to electrical repairs Bothwell CWA - \$959.36</li><li>➤ Reimburse extra cost of power during fires to Great lake Community Centre Inc. \$640.08</li></ul>
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	<ul style="list-style-type: none"> <li>➤ Allocation of \$3,000 to Anglers Alliance for lakes cameras</li> <li>➤ Waive fees for chair hire Westerway Primary 100 year anniversary</li> </ul>
<b>Continue the support of community groups and clubs through in-kind assistance as well as through Council's Community Grants Program</b>	<p>Council provided assistance through the Community Grants Program to the following:</p> <ul style="list-style-type: none"> <li>➤ Bothwell Speed Shear - \$2000</li> <li>➤ Hamilton Anglican Parish Heating Grant - \$3,000</li> <li>➤ Anglican Parish Hamilton Churches Grant - \$2,500</li> <li>➤ Blue farmer Sign - \$350.00</li> <li>➤ Royal Flying Doctors - \$1,000.00</li> <li>➤ Westerway primary School 100 Year Anniversary - \$1,000.00</li> <li>➤ Ellendale Hall Committee Community Christmas Party - \$785.00</li> <li>➤ CHCHC Community Garden Group - \$435.00</li> <li>➤ Ouse &amp; Highlands Community Alive Group Community Children's Xmas Party - \$1,000</li> <li>➤ Southern Highlands Progress Association - \$780 towards defibrillators</li> <li>➤ Bailey Mayne - \$150 towards costs Tas Cricket team Representation interstate</li> <li>➤ Donation of \$250 towards the Diabetes Tasmania Pollie pedal 2020</li> <li>➤ Donation of \$300 to Campdrafting Tas Inc. towards championships</li> <li>➤ Donation of \$1,000 to St Vincent de Paul Society Winter Appeal</li> <li>➤ Donation of \$180 to Lions Club of Hobart re 2020 Circus Quirkus</li> <li>➤ Donation of \$200 to the Derwent Pony Club</li> </ul>
<b>Continue the annual allocation to schools to assist with their programs for school children</b>	Council makes an annual allocation to Bothwell District High School, Ouse Primary School, Westerway Primary School & Glenora District High School
<b>Provide annual bursaries for a child at each school continuing further education and Annual citizenship awards</b>	Council provide annual bursaries to Central Highlands Year 10 students at Bothwell District High School, Glenora District High School and New Norfolk High School to further their education whilst also providing annual citizenship awards to students
<b>Provide assistance to continue the home day care facility at Bothwell</b>	Council allocates \$5000 per year towards the Family Day Care Facility at Bothwell
<b>Continue to allocate funds to the provision of medical services to Ouse and Bothwell</b>	Council makes an annual allocation to the Central Highlands General Practice and Bothwell Doctors to support the provision of medical services to our community.



<b>Support programs and activities that promote the health and wellbeing of our community</b>	<p>Council allocated one staff member for a few hours a week to assist with the Meal Delivery Program.</p>
<b>Continue support regional groups of benefit to Central Highland's residents</b>	<p>Council is a member of the following regional groups"</p> <ul style="list-style-type: none"> <li>➤ STCA</li> <li>➤ Destination Southern Tasmania</li> <li>➤ Local Government Shared Services</li> <li>➤ South Central Sub-Region Group</li> </ul>



*Picture: Komatsu Loader*

## **Goal 2 Infrastructure and Facilities – *Manage Council's physical assets in an efficient and effective manner***

### **Strategies**

- Develop and implement a 10 year asset management plan for all classes of assets
- Continue to work at regional and state levels to improve transport and infrastructure
- Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
- Ensure that the standard of existing assets and services are maintained in a cost effective manner

## Initiatives

<b>Allocate funds to ensure that existing services and assets are maintained</b>	Council budgets sufficient funds to ensure that its assets and services are maintained
<b>Expand the 10 year asset management plan to include all classes of assets</b>	Council has a long term asset management plan for roads, bridges and buildings
<b>Underpin Dawsons Bridge</b>	Bridge Pro was the successful tenderer for the underpinning works on Dawsons Bridge and have completed the work.
<b>Replace 3 vehicles and the Hamilton CAT Loader and purchase a dog trailer and water cart</b>	Council replaced the vehicles and Loader. The Water cart was purchased. It was decided to repair the dog trailer rather than replacing it.



*Picture: New Water Cart Hamilton*



<b>Prepare a design to form the basis of work to be undertaken to provide water and power to grassed area at Bothwell Caravan Park, new signage and BBQ</b>	This design work was not undertaken and has been included in the 2020/21 budget.
<b>Complete the construction of the new public conveniences at Ouse Park</b>	The public conveniences at the Ouse Park have been completed and are operational.



*Picture: Nive River Bridge Gowan Brae*

<b>Replace the Nive River Bridge at Gowan Brae</b>	Replacement of the Nive River Bridge at Gowan Brae has been completed by TasSpan.
<b>Reseal:</b>  <b>3 kms Hollow Tree Road</b> <b>1 Km Wayatinah Road</b>  <b>And stabilise and seal patches</b> <b>Flintstone Drive</b>	<p>Hollow Tree Road reseal works were completed by Roadways.</p> <p>Wayatinah Road was not resealed and the funds were transferred for mill and fill works on Ellendale Road.</p> <p>Stabilisation and sealing patches of Flintstone Drive was completed by Roadways.</p>



<b>Undertake drainage works on Victoria Valley Road</b>	Works were completed.
<b>Undertake Stage 1 of the stormwater upgrade at Bothwell</b>	The upgrade of stormwater at Bothwell was not commenced. Works have been included in the 2020/2021 budget.
<b>Construct and seal 1kms of Pelham Road (Stage 3) and complete sealing of Stage 2</b>	Stage 3 works were completed by Council staff, and sealing of Stage 2 of the Pelham Road works has been completed.
<b>Update the solar heating at the Bothwell Swimming Pool</b>	Updating of the solar heating was deferred.
<b>Close off kitchen area in the Bothwell Football Club &amp; Community Centre</b>	Works to section off the kitchen area at the Bothwell Football Club & Community Centre has been completed.
<b>Replace section of footpath at Lyell Highway, Ouse</b>	The proposed work was not undertaken and has been rescheduled for 2020/21.
<b>Undertake works on the fascia and gutters Bothwell Town Hall</b>	This work has been rescheduled to be undertaken during the 2020/21 financial year.
<b>Complete maintenance works of assets and facilities within budget allocations</b>	Maintenance works were carried out as per Council's budget. A revaluation and condition assessment of our road network has been completed. Council bridges are inspected annually with a report provided to guide Council on maintenance and capital works required.
<b>Replace old play equipment, Hamilton Park</b>	Removal of old play equipment and installation of new play equipment from Island Recreation has been completed.
<b>Install liner at the Hamilton Refuse Site</b>	The liner has been purchased and will be installed during the 2020/21 financial year.
<b>Provide a DrumMuster shed at the Bothwell Waste Transfer Station</b>	It was decided not to provide a shed but to erect a compound for containers.



*Picture: Road upgrades Pelham Road*

### **Goal 3   Financial Sustainability – *Manage Council’s finances and assets to ensure long term viability and sustainability of Council***

#### **Strategies**

- Manage finances and assets in a transparent way to allow the maximization of resources to provide efficient and consistent delivery of services
- Review annually, Council’s Long Term Financial Management Plan and Council’s Long Term Asset Management Plan
- Where efficiency gains can be identified, resource share services with other local government councils
- Endeavour to, and continue to lobby for, an increase in the level of grant income
- Encourage development to expand Council’s rate base
- Identify revenue streams that could complement / substitute for existing resources
- Develop and maintain sound risk management processes

## Initiatives

<p><b>Identify appropriate grant funding to leverage Council funding for projects</b></p>	<p>Council received:</p> <ul style="list-style-type: none"> <li>➤ Financial Assistance Grants from the State Grants Commission \$2,506,457</li> <li>➤ Federal Road to Recovery Grant \$589,128</li> <li>➤ Economic &amp; Community Recovery Grant of \$80,000 for Bronte Park public amenities</li> <li>➤ NDRRA Grant of \$62,418</li> <li>➤ DHHS Grant of \$50,000 towards recruitment of a GP for Bothwell</li> </ul>
<p><b>Continually review and update policies and Council's risk register</b></p>	<p>Council's risk register and policies are updated by staff as required and reviewed at each Audit Panel Meeting.</p>
<p><b>Continue participation in the Local Government Shared Services and South Central Sub-Region Group and identify other services that can be resource shared</b></p>	<p>Council is a member of the Local Government Shared Services (LGSS) to access resource sharing opportunities. Council currently use this service for the provision of a planner and dog control officer. A joint tender for debt collection resulted in participating councils receiving the benefit of reduced commission fees, a saving for all members who participated in the tendering process.</p> <p>The South Central Sub-Region (SCS) was formalised in early 2016 with the Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils endorsing an intent to work together as much as possible on matters of common interest or where benefits can be achieved by working collaboratively. The SCS meets approximately every two months with the Mayor and General Manager of each Council attending.</p> <p>The SCS was successfully in obtaining a grant of \$395,000 from the Tasmanian Community Fund for its Workforce Development Project.</p>
<p><b>Provide financial management reports to Council monthly</b></p>	<p>Financial reports are prepared by Council's accountant monthly and placed on the Ordinary Council Meeting Agenda each month</p>
<p><b>Ensure Annual Financial Statements are completed within the statutory timeframe</b></p>	<p>Council's Annual Financial Statements were completed on time.</p>
<p><b>Ensure that staff are provided with continual training in Council's financial software and records management systems</b></p>	<p>Council staff are provided with training on an as required basis.</p>

## **Goal 4**   *Natural Environment – Encourage responsible management of the natural resources and assets in the Central Highlands*

### **Strategies**

- Continue to fund and support the Derwent Catchment Project
- Continue with existing waste minimisation and recycling opportunities
- Promote the reduce, reuse, recycle, recover message
- Continue the program of weed reduction in the Central Highlands
- Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- Strive to provide a clean and healthy environment
- Support and assist practical programs that address existing environmental problems and improve the environment

### **Initiatives**

<b>Allocate funds to continue our support of the Derwent Catchment Project to implement on ground projects and provide a link between Council and the community on natural resource management issues</b>	Council continues to fund natural resource management through funding to the Derwent Catchment Project of \$40,000 per year. Additional funds are provided to support grant applications of benefit to the Central Highlands.
<b>Work with other stakeholders, land managers and government agencies to ensure strategic weed control</b>	Council works with the Derwent Catchment Project to implement its weed strategy and allocated funds to carry out weed management
<b>Monitor the usage of Council waste transfer stations and refuse site to ensure that the facilities meet the needs of our ratepayers and are maintained at an acceptable standard</b>	<p>Council operates one controlled refuse site at Hamilton which has available a DrumMUSTER facility. A DrumMUSTER compound has now been provided at the Bothwell Waste Transfer Station.</p> <p>Manned waste transfer sites are available at Bothwell, Miena and Bronte Park.</p> <p>A Refuse Disposal site is located at Hamilton.</p> <p>A Bulky Waste Collection is provided throughout the municipal area which is designed to allow residents to place items out for collection that are too bulky or unsuitable for the door to door collection.</p> <p>Council provided a relatively comprehensive kerbside collection service for waste &amp; recycling to the residents of Bothwell, Ellendale, Fentonbury, Gretna, Hamilton,</p>



	<p>Ouse, Osterley, Wayatinah and Westerway. Thorpe Waste currently holds the contract. All waste is taken to the Hamilton Refuse Disposal Site and the recyclables taken to Hobart for processing.</p> <p>Roadside stand alone bins have been placed at Reynolds Neck, Brandum Bay, Jillet Road, Doctors Point, Haulage Hill, Interlaken, Cramps Bay, Wilburville, Arthurs Lake and Derwent Bridge. The bins are designed to accept domestic waste only, can be accessed 24/7 and have proved to be very successful in most areas.</p> <p>All waste and recycling collected is reported to the DPIPWE annually.</p>
<b>Provide education and encouragement of recycling within the Municipality to expand the life of the Hamilton Refuse Site</b>	<p>Council provides recycling facilities throughout the municipal area and have a fortnightly door to door recycling collection throughout our towns.</p> <p>Council engage a contractor, Thorp Recycling, to collect recycling from static sites and ensure that sites are clean. Thorp Recycling improved the way that recyclable material is managed at the sites by installing 25m skip bins for the collection of scrap steel which is then taken to Hobart for processing. This has been very successful.</p>
<b>Facilitate regular meetings of the Central Highlands Emergency Management Committee and ensure that the Central Highlands Emergency Management Plan is reviewed and remains current</b>	<p>Due to the COVID-19 pandemic restrictions, no meetings were held.</p> <p>Councillors attended an in-house workshop on the Central Highlands Emergency Management Plan in September 2019.</p>
<b>Continue as a member of the Southern Tasmania Waste Group</b>	<p>Council continues its memberships of this committee</p>

## **Goal 5 Economic Development – *Encourage economic viability within the municipality***

### **Strategies**

- Encourage expansion in the business sector and opening of new market opportunities
- Support the implementation of the Southern Highlands Irrigation Scheme
- Continue with the Highlands Tasmania and Bushfest branding
- Encourage the establishment of alternative industries to support job creation and increase permanent residents
- Promote our area's tourism opportunities, destinations and events

- Support existing businesses to continue to grow and prosper
- Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- Work with the community to further develop tourism in the area

## Initiatives

<b>Continue as a member of Destination Southern Tasmania</b>	Council is a current member of Destination Southern Tasmania
<b>Continue as a member of STCA and LGAT</b>	Council continues its membership and participation in the STCA and LGAT
<b>Complete the installation of the public toilet at Ouse Park</b>	New public toilets at Ouse Park have been completed



*Picture: Completed Ouse Toilets*

<b>Continue with Highlands Bushfest to showcase the Central Highlands</b>	Bushfest was held in November 2019 and was very successful. Due to the COVID-19 pandemic, Council resolved to cancel Bushfest for 2020.
<b>Continue with providing the tourism brochure through the Brochure Exchange facility, Brooke Street Pier, Spirit of Tasmania and other visitor centres</b>	Council's "Journey to the Centre of the Earth" brochure is placed at the Hobart Airport, Brooke Street Pier and on both Spirit of Tasmania vessels which is maintained by the Tourism Brochure Exchange
<b>Continue the roll out of the Highlands Tasmania Touring Map</b>	The Highlands Tasmania Touring Map is placed in businesses throughout the Central Highlands and state-wide

<p><b>Engage and strengthen the community by supporting community events and local initiatives that enhance visitation to the Central Highlands</b></p>	<p>Council provides funding and in-kind support to community groups providing events in the Central Highlands.</p> <p>Council provides in kind support to the Hamilton Agricultural Show which is organised by a group of dedicated local community members. The Show is a traditional grassroots show that draws large crowds to Hamilton every year.</p> <p>Council holds an annual event, Highlands Bushfest, which brings increased visitation to Bothwell and surrounds. Bushfest is held in November each year.</p> <p>Council provided \$6,200 towards the 2019 World Fly Fishing Championships.</p>
<p><b>Promotion of Central Highlands through production of material and via Council's website and Council's Facebook page</b></p>	<p>Council's website and Facebook page is updated regularly by staff. Council's brochure and maps are distributed widely throughout the State</p>
<p><b>Continue support of the Highlands Digest to enable it to provide community information to residents</b></p>	<p>Council provide an allocation of \$10,800 to Centralinc to assist with the production of the Highlands Digest which provides a valuable avenue for dissemination of information about the Central Highlands</p>
<p><b>Continue to support the Central Highlands Visitor Management Committee to optimise the use of the Centre and the dispersement of information to tourists and visitors to the Central Highlands and provide funding for the purchase of goods for sale that promote the Central Highlands</b></p>	<p>The Central Highlands Visitor Management Committee meets regularly throughout the year.</p> <p>The Centre is manned by a committed group of volunteers. Displays are changed regularly.</p> <p>The centre has items for sale that promotes the Central Highlands.</p> <p>Due to COVID-19 the centre has been closed during the latter part of the financial year.</p>

**Goal 6 Governance and Leadership – *Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community as a whole***

**Strategies**

- Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities

- Ensure appropriate management of risk associated with Council's operations and activities
- Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- Support and encourage community participation and engagement
- Ensure that customers receive quality responses that are prompt, accurate and fair
- Council decision making will be always made in open council except where legislative or legal requirements determine otherwise

## Initiatives

<b>Annually review Council's Long Term Financial Plan and Strategy and Long Term Asset Management Plans</b>	<p>Council 's Asset Management Plan was adopted by Council in March 2018.</p> <p>Council's Long Term Financial Management Plan and Strategy was updated in April 2019.</p> <p>Council's Audit Panel reviewed the Asset Management Plan in 2019.</p>
<b>Continually monitor and review Council's financial situation and report findings to Council in a clear and transparent format on a monthly basis</b>	<p>Council engage a consultant accountant who provides regular updates and reports to Council at monthly Council and Audit Panel Meetings.</p>
<b>Encourage staff to undertake training to further develop their skills</b>	<p>Council encourage staff to undertake any training they may require.</p> <p>The following training was provided in 2019/20:</p> <ul style="list-style-type: none"> <li>➤ Backhoe Assessment – one employee</li> <li>➤ Loader Assessment – two employees</li> <li>➤ Medium Rigid assessment – 2 employee</li> <li>➤ White Card – 1 employee</li> <li>➤ Familiarisation training new loader – all Hamilton outdoor employees</li> <li>➤ In house training COVID-19 SWMS and safety plan – all employees</li> <li>➤ Monthly Toolbox Meetings</li> </ul>
<b>Support Elected Members to take advantage of seminars, training and</b>	<p>Information regarding seminars, training etc. is disseminated to Councillors.</p>



<b>workshops that assist them in their position as a Councillor and their duty to engage in ongoing professional development</b>	Several workshops held throughout the year provided the opportunity for informed learning e.g. planning, emergency management, road safety and biosecurity.
<b>Review the risk register at each Audit Panel Meeting</b>	Council's risk register is updated regularly and presented at each Audit Panel Meeting
<b>Ensure ongoing compliance with all legislation, regulations and codes of practice which impact upon Council</b>	Council endeavours to ensure that it complies with the requirements of all legislation, regulations and codes of practice applicable to Local Government
<b>Continue to provide the Central Highlands Newsletter to all ratepayers</b>	Council sends out a newsletter with rates instalment notices as required.  Additional information is posted to Council's facebook page and website.

## Public Health Report

Council will:

- Conduct immunisation sessions as required and promote the need for immunisation
- Ensure proper provision of on-site effluent disposal in compliance with the current regulatory framework, codes, standards and best environmental practice
- Undertake routine inspection of places of public assembly, food premises, public health risk activities and water carters to ensure compliance with relevant legislation
- Promptly investigate environmental health complaints
- Maintain an effective analysis program for food, recreational waters and general complaints
- Continue to promote safe food handling through the provision of the I'M ALERT free online food safety training program

## Environmental and Public Health Report

Councils within Tasmania have statutory responsibilities for promoting acceptable standards of environmental health within their municipal area through the administration of legislation, provision of environmental health services and community education. Key legislation administered to promote acceptable standards of environmental health at the local level includes the *Public Health Act 1997*, *Food Act 2003*, *Environmental Management and Pollution Control Act 1994*, *Local Government Act 1993* and *Building Act 2016*

Council has performed its functions under the Public Health Act 1997 and Regulations, the Food Act 2003 and Regulations and Standards the Environmental Management and Pollution Control Act 1994 and Regulations, as detailed below.

Council employs a part-time Environmental Health Officer (EHO).

The main functions in **Environmental Health** are:

- Disease control, including immunisation services, public health risk activities and notifiable disease investigations
- Food regulation and surveillance
- Maintenance of appropriate standards for public-use buildings
- Health education and promotion
- Drinking water quality monitoring and remediation
- Surveillance of recreational water bodies including swimming pools and swimming beaches
- Surveillance of public health risk activities and regulated systems.(Council have no public health risk activities or regulated systems)

The principle statutes are the *Public Health Act 1997* and the *Food Act 2003*.

#### ***Council activities in relation to Environmental Health:***

- 65 Food Business Registrations, P1 15, P2 38, P3 11, P3N 1, 1Mobile Food Van. Inspections were limited, only complaints were investigated due to COVID-19 restrictions. Council still have I'm Alert Food Safety Training free of charge to the community as a Food Safety Initiative. All Food premises now have at least one person trained in Food Safety. As of the 30<sup>th</sup> June the site continues to be used by any new employees to food businesses.
- Participating in the Health Departments Food Surveillance Program.
- Distribution of Posters and Pamphlets relating to Health Education and Promotion.
- Investigation of notifiable diseases
- A DrumMUSTER collection facility continues to operate at the Hamilton Regional Disposal and Recycling Site and the DrumMUSTER site at Bothwell is operational and will provide an ongoing service with one employee trained as a DrumMUSTER inspector.
- Waste Management and monitoring including current EPN for Hamilton Landfill.
- Council have an ongoing silage and ag pipe recycling point at the Hamilton Landfill, and this service is free of charge to both residents and Council and has been extended to include Bothwell Waste Transfer Station.
- School immunisation was carried out in accordance with the National Health and Medical Research Council Immunisation Schedule, and was conducted by Council's Medical Officer of Health at the Bothwell District High School and Bothwell Medical Office.
- "Free" infant immunisation continues to be offered by appointment at the Ouse Medical Centre and Bothwell Medical Centre as per the national immunisation schedule.
- Recreational Water Quality Monitoring, lakes and rivers, including Bothwell Public Swimming Pool.
- Annual Reporting done by the 30<sup>th</sup> September each year for Recreational Water Monitoring, Private Water Licences, Food Premises and Waste Reporting.

**'Environmental Management'** is an integrated approach to achieve a sustainable future. When applied to activities or developments, it involves:

- The application of the principles of ecology, pollution control and environmental planning; and
- The methodology of monitoring the impact of proposed development.

The main functions in environmental management are:

- Environmental water and air quality monitoring and remediation
- The assessment and issuing of special plumbing permits for on-site wastewater management systems
- Monitoring and response to environmentally relevant activities including level 1 Activities
- Assessment of existing developments and new applications for development

- Response to environmental nuisances.

The principle statutes are the *Environmental Management and Pollution Control Act 1994*, the *Land Use Planning Approvals Act 1993*, the *Building Act 2016* and the *Litter Act 2007*.

***Council activities in relation to Environmental Management:***

- Environmental Nuisances / complaints (15) are followed up by inspections and may require the issue of abatement notices, Environmental Protection Notices and / or infringement notices.
- Issuing of Environmental Protection Notices when required and follow up and monitoring of conditions of Notices.
- Septic tank installation assessments and permits. Monitoring and recording services for 44 Aerated Wastewater Treatment Systems
- Monitoring of Private Sewage Treatment systems.
- Environmental Assessment of potentially harmful activities (e.g. composting, fish farms, sewage treatment plants and private water plants).

**REPORTING REQUIREMENTS**

***Annual***

- Recreational Water Quality Report (Council & DHHS) – by 30 September each year
- Drinking Water Quality Report (Council & DHHS) - by 30 September each year
- Annual Public Health Statement (Council) – Required in accordance with S.71 and S.72 of the *Local Government Act 1993*. To be provided by end of October each year
- Environmental Health Officer Annual Register (DHHS) - by 30 September each year
- Annual Food Safety Report (DHHS) - by 30 September each year.

## Development Statistics

	2015-16	2016-17	2017-18	2018-19	2019-20
Total No Applications	52	56	60	80	84
No. Permitted	18	11	5	10	12
No. Discretionary	32	39	40	39	33
Subdivision Applications	5	2	2	11	9
No. Lots	20	3	3	32	5
Planning Scheme Amendments	0	0	0	0	0
No Permit Required	2	4	13	20	30

## Building Statistics

	2015-16	2016-17	2017-18	2018-19	2019-20
Total No. Buildings	50	44	53	65	61
Permit Work	-	-	-	23	21
Notifiable Work	-	-	-	36	33
Low Risk Work	-	-	-	6	7
Total No. Plumbing	49	36	36	32	34
Permit Work	-	-	-	21	20
Notifiable Work	-	-	-	6	10
Low Risk Work	-	-	-	5	4

### Pool Attendance Statistics

Season Passes	2015-16	2016-17	2017-18	2018-19	2019-20
Family	0	2	1	3	0
Junior	3	3	0	0	0
Adult					1
<b>Daily Attendance</b>					
Junior	524	1316	802	935	559
Adult	189	387	187	107	90

### Dog Control Statistics

	2015-16	2016-17	2017-18	2018-19	2019-20
Dogs Registered	1024	1067	1044	995	1005
Kennel Licenses	31	36	33	30	43
Infringement Notices	1	14	16	21	7
Impounded Dogs	9	12	10	8	6
Declared Dangerous Dogs	0	0	0	1	1

### Remissions and Small Debt Write Offs

Small Debt Write Off	11.91	03-0226-01309	38.84
03-0220-00925	21.80	01-0855-02012	101.32
03-0253-00676	16.90	03-0233-01514	21.05
04-0015-01412	10.00	01-0893-03637	21.21
03-0237-01678	20.34	03-0205-00255	19.18
01-0805-02223	43.80	01-0852-02185	26.42
03-0221-00940	20.30	01-0870-02212	13.27
03-0254-03733	13.90	01-0805-03937	562.13
03-0212-00612	18.70	01-0810-03938	395.33
01-0858-03955	46.80	04-0017-03967	528.17
01-0858-03955	23.26	01-0805-02805	364.71
01-0817-02238	22.60	10-0400-03595	160.00
01-0838-02982	160.00		
<b>TOTAL \$2,681.94</b>			

In addition to the above remissions as a result of COVID-19, Council resolved to remit all penalties on Instalment No 4 of rates which was due on 30 April 2020. Penalties were applied to 394 properties and a total of \$7,038.09 was remitted.

### **Remissions given on Building, Plumbing & Development applications 2019 / 2020:**

DA 2019/41 - \$740.00 – Planning Application for a Subdivision (1 Lot & Balance) (Remitted at July 2019 Council Meeting)

### **Under Section 72 of the Local Government Act 1993, the following is reported:**

Total Remuneration Bracket	No Of Senior Employees
\$101,001 - \$120,000	2
\$140,001 - \$170,000	2

- Total remuneration includes salary, employer superannuation contribution, value of use of motor vehicle provided, value of other allowances and benefits paid to an employee.

Total Allowances and expenses and reimbursements paid to the Mayor, Deputy Mayor and Councillors were \$130,085

### **Donation of Land Statement S177 Local Government Act 1993**

Section 177 of the Local Government Act requires Council to report on any land donated by Council during the year. It is reported that no land was donated during the 2019/20 financial year.

### **Public Interest Disclosures Statement**

Statement required under Section 86 of the Public Interest Disclosures Act 2002.

Council has established a written procedure in accordance with the Act. A copy of the Central Highlands Council Public Interest Disclosure Procedures Manual is available on Council's website [www.centralhighlands.tas.gov.au](http://www.centralhighlands.tas.gov.au)

Number of Disclosures made to Council & determined to be a public interest disclosure	0
Number of disclosures investigated by Council	0
Number of disclosed matters referred by the Ombudsman	0
Number of disclosures referred by Council to the Ombudsman	0
Number of disclosures taken over by the Ombudsman from Council	0
Number of disclosed matters Council declined to investigate	0
Number of disclosed matters that were substantiated	0
Number of recommendations made by the Ombudsman to Council	0

## Code of Conduct Complaint Information

Section 72 of the Local Government Act 1993 requires a council to report in its annual report the number of code of conduct complaints that were upheld by the Code of Conduct Panel during the preceding financial year and the total costs met by the council during the preceding financial year in respect of all code of conduct complaints.

1 complaint was lodged with the Code of Conduct Panel on 3 June 2020. The Panel determined that the complaint be dismissed in August 2020. The cost was \$3,011.25.

## Enterprise Powers Statement

Council has not exercised any powers or undertaken any activities in accordance with Section 21 of the Local Government Act 1993.

## Contracts for supply or provision of goods and services valued at or above \$100,000

Description	Period of Contract	Value inc GST	Successful Contractor	Business Address of Successful Contractor
Services for Supply, Installation and maintenance of Waste Bins & Collection of Waste	1/9/2017 to 30/6/2022	\$195,638.02	JJ Richards & Sons Pty Ltd	3 Grant Street Cleveland Queensland 4163
Kerbside Domestic Garbage & Recycling Collection Service	Two year extension to Contract from 1/7/2018 to 30/6/2020	\$143,571.88	Thorp Waste	24 Glen Lea Road, Brighton 7030
Replacement Gowan Brae Bridge	Nov 2019 to 30/6/2020	\$261,450.61	TasSpan	PO Box 225 Latrobe 7307

Purchase of Loader	Aug 2019	\$232,800.00	Komatsu	1095 Cambridge Road Cambridge 7310
Gravel Crushing	Nov 2019 to Nov 2021	Various rates by location of quarry & size of gravel	Dennis Fieldwick Pty Ltd	PO Box 131E Devonport 7310

### Non Application of Public Tender Process

A Council is to report in its annual report all instances where the public tender process (Regulation 23) has not been applied:

The public tender process has been applied in all instances.

### Financial Performance Indicators

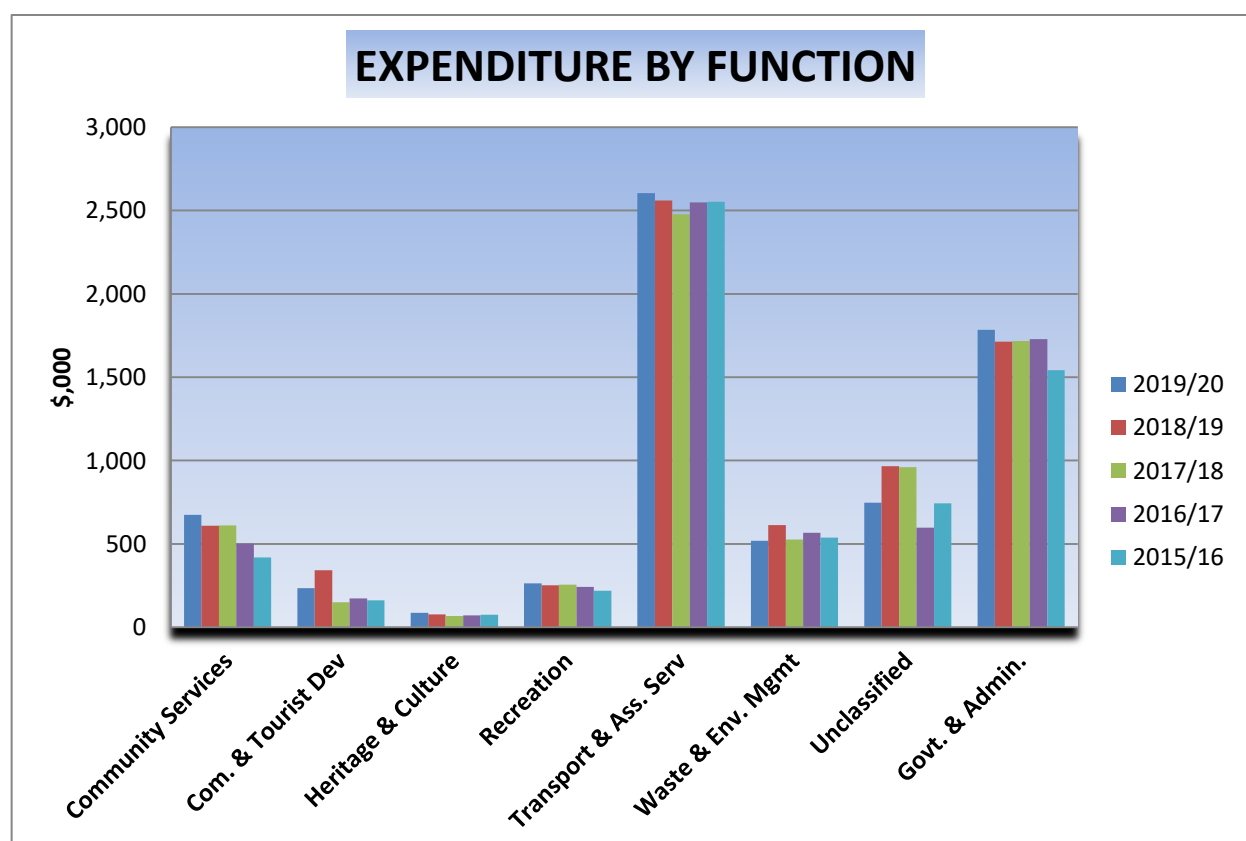
**Comparative Financial Performance Indicators are provided for the current and previous six years.**

Indicator	2020 %	2019 %	2018 %	2017 %	2016 %	2015 %	2014 %
Rate Revenue Analysis Rate Income : <b>Total Revenue</b>	52.5	50.1	50.7	50.3	49.8	48	48
Working Capital Ratio Current Assets: <b>Current Liabilities</b>	16.03	13.41	14.10	12.13	14.39	15.58	15.36
Debt Ratio Total Liabilities: <b>Total Assets</b>	2.00	1.60	1.53	1.28	1.11	1.32	0.7



## Expenditure by Function

	2019/20 '000	2018/19 '000	2017/18 '000	2016/17 '000	2015/16 '000	2014/15 '000	2013/14 '000
<b>Community Services</b>	675	609	612	502	420	532	572
<b>Com. &amp; Tourist Dev</b>	235	343	151	173	162	190	207
<b>Heritage &amp; Culture</b>	86	77	67	72	76	70	70
<b>Recreation</b>	263	253	255	242	219	196	176
<b>Transport &amp; Ass. Serv</b>	2,604	2,560	2,478	2,549	2,552	2,573	2,643
<b>Waste &amp; Env. Mgmt</b>	519	613	527	566	539	532	492
<b>Unclassified</b>	748	966	960	597	743	836	1,472
<b>Govt. &amp; Admin.</b>	1,784	1,713	1,717	1,728	1,542	1,785	1,535



## Reserves

	\$'000	\$'000	\$'000	\$'000	\$,000	\$,000	\$,000
Reserves	2020	2019	2018	2017	2016	2015	2014
Plant Replacement	453	453	453	453	453	453	453
Bridges	377	377	377	377	377	377	377
Sundry	145	242	143	143	196	297	121
Long Service Leave	444	404	354	371	351	335	298
Regional Refuse Site	80	80	80	80	80	80	80
Quarry Reserve	180	80	80	80	80	80	80
Grants	0	9	44	170	54	0	0
<b>Total</b>	<b>1,679</b>	<b>1,645</b>	<b>1,531</b>	<b>1,674</b>	<b>1,591</b>	<b>1,622</b>	<b>1,409</b>

## Non - Current Assets

Non-Current Asset	30-Jun-20 Asset value \$'000	30-Jun-19 Asset value \$'000	Increase/ (Decrease) \$'000
Land	3,402	3,402	0
Buildings	5,163	5,194	(31)
Plant, Machinery & Equipment	2,180	2,160	20
Office Equipment	171	177	(6)
Computer Equipment	53	70	(17)
Infrastructure	785	793	(8)
Roads	60,551	59,499	1,052
Drainage Systems	1,005	1,021	(16)
Bridges	8,218	7,816	402
Footpaths, Kerbs & Gutters	934	904	30
Works in Progress	558	1125	(567)
Investment in Southern Water	7,071	9,110	(2,039)
Land Under Roads	1,111	957	154
<b>TOTALS</b>	<b>91,202</b>	<b>92,228</b>	<b>(1,026)</b>

## **Independent Auditor's Report**

**To the Councillors of Central Highlands Council**

### **Report on the Audit of the Financial Report**

#### **Opinion**

I have audited the financial report of Central Highlands Council (Council), which comprises the statement of financial position as at 30 June 2020 and statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies, other explanatory notes and the statement of certification by the General Manager.

In my opinion the accompanying financial report:

- (a) presents fairly, in all material respects, Council's financial position as at 30 June 2020 and its financial performance and its cash flows for the year then ended
- (b) is in accordance with the *Local Government Act 1993* and Australian Accounting Standards.

#### **Basis for Opinion**

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of Council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

My audit responsibility does not extend to the budget figures included in the financial report, the asset renewal funding ratio disclosed in note 39(e) nor the Significant Business Activities disclosed in note 38 to the financial report and accordingly, I express no opinion on them.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### **Responsibilities of the General Manager for the Financial Report**

The General Manager is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Local Government Act 1993* and for such internal control as determined necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the General Manager is responsible for assessing Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Council is to be dissolved by an Act of Parliament or the Councillors intend to cease operations, or have no realistic alternative but to do so.

### **Auditor's Responsibilities for the Audit of the Financial Report**

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Council's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the General Manager.
- Conclude on the appropriateness of the General Manager's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Council's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusion is based

on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause Council to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the General Manager regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Leigh Franklin  
**Assistant Auditor-General, Financial Audit Services**  
**Delegate of the Auditor-General**

**Tasmanian Audit Office**

7 January 2021  
Hobart

# central highlands COUNCIL



**Central Highlands Council**  
**ANNUAL FINANCIAL REPORT**  
*For the Year Ended 30 June 2020*

# Central Highlands Council

## Financial Report

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## Statement of Comprehensive Income For the Year Ended 30 June 2020

	Note	Budget 2020 \$	Actual 2020 \$	Actual 2019 \$
<b>Income</b>				
<b>Income from continuing operations</b>				
Rates and charges	5	3,730,404	3,743,865	3,629,488
Statutory fees and fines	6	35,000	46,524	48,734
User fees	7	210,500	329,852	325,430
Grants	8	2,428,040	2,566,108	2,464,768
Contributions	9	26,034	24,624	70,534
Interest	10	170,000	122,037	215,000
Other income	11	214,000	242,916	399,045
Investment revenue from water corporation	13	102,000	51,000	95,032
		<u>6,915,978</u>	<u>7,126,926</u>	<u>7,248,031</u>
<b>Capital income</b>				
Capital grants received specifically for new or upgraded assets	8	724,000	651,546	211,847
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	12	20,000	46,924	(154,330)
		<u>744,000</u>	<u>698,470</u>	<u>57,517</u>
<b>Total income from continuing operations</b>		<u>7,659,978</u>	<u>7,825,396</u>	<u>7,305,548</u>
<b>Expenses from continuing operations</b>				
Employee benefits	14	(1,949,709)	(1,941,814)	(1,984,659)
Materials and services	15	(1,408,866)	(1,543,223)	(1,564,720)
Depreciation and amortisation	16	(2,112,000)	(2,121,424)	(2,124,957)
Other expenses	17	(1,542,145)	(1,307,737)	(1,460,552)
<b>Total expenses from continuing operations</b>		<u>(7,012,720)</u>	<u>(6,914,198)</u>	<u>(7,134,888)</u>
<b>Net result for the year</b>		<u>647,258</u>	<u>911,198</u>	<u>170,660</u>
<b>Other comprehensive income</b>				
<b>Items that will not be reclassified subsequently to net result</b>				
<b>Financial assets available for sale reserve</b>				
Fair Value adjustment on equity investment assets	28(b)	-	(2,039,306)	1,082,279
Net asset revaluation increment(decrement)	28(a)	-	547,218	-
<b>Total Other Comprehensive Income</b>		<u>-</u>	<u>(1,492,088)</u>	<u>1,082,279</u>
<b>Total Comprehensive result</b>		<u>647,258</u>	<u>(580,890)</u>	<u>1,252,939</u>

The above statement should be read in conjunction with the accompanying notes.



**Statement of Financial Position  
As at 30 June 2020**

	Note	2020	2019
		\$	\$
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	19	11,222,003	10,473,798
Trade and other receivables	20	224,839	259,626
Inventories	21	6,375	9,982
Other assets	22	54,632	5,789
<b>Total current assets</b>		<u>11,507,849</u>	<u>10,749,195</u>
<b>Non-current assets</b>			
Investment in water corporation	18	7,071,048	9,110,354
Property, infrastructure, plant and equipment	23	84,130,730	83,117,878
<b>Total non-current assets</b>		<u>91,201,778</u>	<u>92,228,232</u>
<b>Total assets</b>		<u>102,709,627</u>	<u>102,977,427</u>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	24	535,057	483,367
Trust funds and deposits	25	146,499	190,840
Contract liabilities	27	279,946	-
Provisions	26	883,593	767,580
<b>Total current liabilities</b>		<u>1,845,095</u>	<u>1,441,787</u>
<b>Non-current liabilities</b>			
Provisions	26	213,779	208,019
<b>Total non-current liabilities</b>		<u>213,779</u>	<u>208,019</u>
<b>Total liabilities</b>		<u>2,058,874</u>	<u>1,649,806</u>
<b>Net Assets</b>		<u>100,650,753</u>	<u>101,327,621</u>
<b>Equity</b>			
Accumulated surplus		32,859,677	32,077,737
Reserves	28	67,791,076	69,249,884
<b>Total Equity</b>		<u>100,650,753</u>	<u>101,327,621</u>

The above statement should be read in conjunction with the accompanying notes.

**Statement of Cash Flows  
For the Year Ended 30 June 2020**

		2020 Inflows/ (Outflows) \$	2019 Inflows/ (Outflows) \$
<b>Cash flows from operating activities</b>	<b>Note</b>		
Rates		3,815,864	3,613,275
Statutory fees and fines		51,176	53,608
User charges and other fines		436,272	379,918
Grants		2,566,108	2,464,768
Interest		119,645	230,956
Investment revenue from water corporation	13	51,000	95,032
Other receipts		223,199	491,432
Net GST refund/payment		239,898	279,809
Payments to suppliers		(3,126,330)	(3,511,426)
Payments to employees (including redundancies)		(1,820,041)	(1,792,145)
<b>Net cash provided by (used in) operating activities</b>	<b>29</b>	<u><b>2,556,792</b></u>	<u><b>2,305,227</b></u>
<b>Cash flows from investing activities</b>			
Payments for property, infrastructure, plant and equipment		(2,567,524)	(2,148,545)
Proceeds from sale of property, infrastructure, plant and equipment		27,391	6,200
Capital grants		731,546	211,847
<b>Net cash provided by (used in) investing activities</b>		<u><b>(1,808,587)</b></u>	<u><b>(1,930,498)</b></u>
 Net increase (decrease) in cash and cash equivalents		 748,205	 374,729
Cash and cash equivalents at the beginning of the financial year		10,473,798	10,099,069
<b>Cash and cash equivalents at the end of the financial year</b>	<b>30</b>	<u><b>11,222,003</b></u>	<u><b>10,473,798</b></u>
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The above statement should be read in conjunction with the accompanying notes.

**Statement of Changes in Equity  
For the Year Ended 30 June 2020**

	Note	Accumulated Surplus 2020 \$	Asset Revaluation Reserve 2020 \$	Fair Value Reserve 2020 \$	Other Reserves 2020 \$	Total 2020 \$
<b>2020</b>						
Balance at beginning of the financial year		32,077,737	67,652,595	(47,966)	1,645,255	101,327,621
Adjustment due to AASB 15 adoption	37	(95,978)	-	-	-	(95,978)
Adjustment due to AASB 16 adoption		-	-	-	-	-
Adjustment on change in accounting policy		-	-	-	-	-
<b>Restated opening balance</b>		<b>31,981,759</b>	<b>67,652,595</b>	<b>(47,966)</b>	<b>1,645,255</b>	<b>101,231,643</b>
Surplus / (deficit) for the year		911,198	-	-	-	911,198
Other Comprehensive Income:						
Fair Value adjustment on equity investment assets	18	-	-	(2,039,306)	-	(2,039,306)
Net asset revaluation increment(decrement) reversals	28	-	547,218	-	-	547,218
Transfers between reserves		(33,280)	-	-	33,280	-
<b>Balance at end of the financial year</b>		<b>32,859,677</b>	<b>68,199,813</b>	<b>(2,087,272)</b>	<b>1,678,535</b>	<b>100,650,753</b>
		Accumulated Surplus 2019 \$	Asset Revaluation Reserve 2019 \$	Fair Value Reserve 2019 \$	Other Reserves 2019 \$	Total 2019 \$
<b>2019</b>						
Balance at beginning of the financial year		32,021,698	67,652,595	(1,130,245)	1,530,634	100,074,682
Adjustment on change in accounting policy		-	-	-	-	-
Surplus / (deficit) for the year		170,660	-	-	-	170,660
Other Comprehensive Income:						
Fair Value adjustment on equity investment assets	18	-	-	1,082,279	-	1,082,279
Net asset revaluation increment(decrement) reversals	28	-	-	-	-	-
Transfers between reserves		(114,621)	-	-	114,621	-
<b>Balance at end of the financial year</b>		<b>32,077,737</b>	<b>67,652,595</b>	<b>(47,966)</b>	<b>1,645,255</b>	<b>101,327,621</b>

The above statement should be read with the accompanying notes.

**Introduction**

**Note 1 Reporting Entity**

- (a) The Central Highlands Council (the Council) was established in 1993 and is a body corporate with perpetual succession and a common seal.  
Council's main office is located at 6 Tarleton Street, Hamilton, Tasmania.
- (b) The purpose of the Council is to:
- provide for health, safety and welfare of the community;
  - represent and promote the interests of the community;
  - provide for the peace, order and good government in the municipality.

**Note 2 Basis of accounting**

These financial statements are a general purpose financial report that consists of a Statement of Comprehensive Income, Financial Position, Statement of Changes in Equity, Statement of Cash Flows, and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, and the *Local Government Act 1993* (LGA1993) (as amended). Council has determined that it does not have profit generation as a prime objective. Consequently, where appropriate, Council has elected to apply options and exemptions within accounting standards that are applicable to not-for-profit entities.

This financial report has been prepared on the accrual and going concern basis.

All amounts are presented in Australian dollars and unless stated, have been rounded to the nearest dollar.

This financial report has been prepared under the historical cost convention, except where specifically stated in notes 18, 23, 26, and 40.

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

**Note 3 Use of judgements and estimates**

*Judgements and Assumptions*

In the application of Australian Accounting Standards, Council is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Council has made no assumptions concerning the future that may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period. Judgements made by Council that have significant effects on the financial report are disclosed in the relevant notes as follows:

*Employee benefits*

Assumptions are utilised in the determination of Council's employee entitlement provisions. These assumptions are discussed in note 26.

*Defined benefit superannuation fund obligations*

Actuarial assumptions are utilised in the determination of Council's defined benefit superannuation fund obligations. These assumptions are discussed in note 31.

*Fair value of property, infrastructure, plant & equipment*

Assumptions and judgements are utilised in determining the fair value of Council's property, plant and equipment including useful lives and depreciation rates. These assumptions are discussed in note 23.

*Investment in water corporation*

Assumptions utilised in the determination of Council's valuation of its investment in TasWater are discussed in note 18.

**Note 4 Functions/Activities of the Council**

(a) Revenue, expenditure and assets attributable to each function as categorised in (c) below:

	Grants	Other	Total Revenue	Total Expenditure	Surplus/ (Deficit)	Assets
	\$	\$	\$	\$	\$	\$
<b>Government and administration</b>						
2019 - 2020	895,892	3,423,396	4,319,288	1,784,396	2,534,892	1,584,449
2018 - 2019	987,173	3,291,021	4,278,194	1,713,438	2,564,756	1,596,576
<b>Roads, streets and bridges</b>						
2019 - 2020	2,115,799	22,201	2,138,000	2,603,821	(465,821)	71,818,249
2018 - 2019	1,675,806	26,034	1,701,840	2,560,412	(858,572)	70,197,366
<b>Waste management</b>						
2019 - 2020	-	622,455	622,455	519,214	103,241	367,800
2018 - 2019	-	599,298	599,298	613,272	(13,974)	374,845
<b>Heritage and Culture</b>						
2019 - 2020	-	8,871	8,871	85,731	(76,860)	1,756,860
2018 - 2019	-	2,798	2,798	77,040	(74,242)	1,290,936
<b>Community services</b>						
2019 - 2020	205,963	178,305	384,268	675,380	(291,112)	2,327,144
2018 - 2019	13,636	225,467	239,103	609,493	(370,390)	2,799,984
<b>Recreation facilities</b>						
2019 - 2020	-	19,680	19,680	262,758	(243,078)	2,401,183
2018 - 2019	-	54,778	54,778	252,629	(197,851)	2,406,014
<b>Commercial and Tourism</b>						
2019 - 2020	-	132,559	132,559	234,605	(102,046)	736,908
2018 - 2019	-	90,067	90,067	343,038	(252,971)	747,414
<b>Other - not attributable</b>						
2019 - 2020	-	200,275	200,275	748,293	(548,018)	21,717,033
2018 - 2019	-	339,470	339,470	965,566	(626,096)	23,564,292
<b>Total</b>						
2019 - 2020	3,217,654	4,607,742	7,825,396	6,914,198	911,198	102,709,627
2018 - 2019	2,676,615	4,628,933	7,305,548	7,134,888	170,660	102,977,427

(b) Reconciliation of Assets from note 4 (a) with the Statement of Financial Position at 30 June:

	2020	2019
	\$	\$
Current assets	11,507,849	10,749,195
Non-current assets	91,201,778	92,228,232
	<b>102,709,627</b>	<b>102,977,427</b>

(c) Governance and administration

Operation and maintenance of council chambers, administration offices, and councillors.

*Roads, streets and bridges*

Construction, maintenance and cleaning of road, streets, footpaths, bridges, parking facilities and street lighting.

*Waste Management*

Collection, handling, processing and disposal of all waste materials.

*Heritage and Culture*

Provision and maintenance of public halls and civic centres, provision of library services and development of facilities relative to heritage and cultural requirements of the Municipality.

*Community services*

Administration and operation of dog registration, operation of pounds, control of straying stock, and noxious weeds. Operation of the Child Care Centre, operation and support of the performing arts, museum and the presentation of festivals. Community Development which provides for the implementation of a process by which strategies and plans can be developed so that the Council can fulfil their general responsibility for enhancing the quality of life of the whole community.

*Recreation facilities*

Operation and maintenance of sporting facilities (includes swimming pools, active and passive recreation and recreation centres).

*Commercial and Tourism*

Development and promotion of tourism and economic services within the Municipality. Provision of community facilities and the development and administration of town planning schemes, processing of subdivisions, development and building applications, and inspection of building structures.

*Other - not attributable*

Rates and charges and work not attributed elsewhere.

	2020	2019
	\$	\$

**Note 5 Rates and charges**

Council uses Assessed Annual Value as the basis of valuation of all properties within the municipality. The Assessed Annual Value within Central Highlands is 4% of its Capital Value.

The valuation base used to calculate general rates for 2019-2020 was \$42.471 million (2018-2019 \$40.440 million). The 2019-20 rate in the AAV dollar was 3.40380 cents (2018-2019, 3.4520 cents).

General Rate	2,896,890	2,799,330
Fire Levy	224,520	217,375
Garbage charge	622,455	599,298
Revenue in advance	-	13,485
<b>Total rates and charges</b>	<b>3,743,865</b>	<b>3,629,488</b>

The date of the latest general revaluation of land for rating purposes within the municipality was 2014, and the valuation was first applied in the rating year commencing 1 July 2015.

**Accounting policy under AASB 15 and AASB 1058 - applicable from 1 July 2019**

Council recognises revenue from rates and annual charges for the amount it is expected to be entitled to at the beginning of the rating period to which they relate, or when the charge has been applied. Rates and charges in advance are recognised as a financial liability until the beginning of the rating period to which they relate.

Refer to note 37 for accounting policy related to AASB 15 and AASB 1058.

**Accounting policy under AASB 118 and AASB 1004 - applicable for 2019 comparative**

**Rates and charges income**

Rate income is recognised as revenue when Council obtains control over the assets comprising the receipt.

Control over assets acquired from rates is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

**Note 6 Statutory fees and fines**

Statutory Fees	46,524	48,734
<b>Total statutory fees and fines</b>	<b>46,524</b>	<b>48,734</b>

**Accounting policy**

**Statutory fee and fine income**

Fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

**Note 7 User fees**

Rental Housing	78,384	73,687
Planning Fees	90,227	51,299
Building Fees	27,622	25,089
Tips and Waste Transfer Stations	4,174	6,474
Hall Hire	1,067	767
Camp Ground Fees	17,295	26,888
Animal licences	18,934	25,179
Food & Public Assembly Licences	2,825	14,525
Sewer Connection Fees	12,120	13,960
Cemetery Charges	7,562	7,083
Bushfest	0	34,947
Other fees and charges	69,641	45,532
<b>Total user fees</b>	<b>329,852</b>	<b>325,430</b>

**Accounting policy**

**User fee income**

Fee income is recognised as revenue when the service has been provided, or the payment is received, whichever first occurs.

**Rental income**

Rents are recognised as revenue when the payment is due. Rental payments received in advance are recognised as a payable until they are due.

**Operating leases as lessor**

Council is a lessor and enters into agreements with a number of lessees. These include commercial and non-commercial agreements.

Where leases are non-commercial agreements, these are generally with not for profit, such as sporting, organisations. In these cases subsidised or peppercorn rents are charged because Council recognises part of its role is community service and community support. In these situations, Council records lease revenue on an accruals basis and records the associated properties as part of land and buildings within property, plant and equipment. Buildings are recognised at depreciated replacement cost.

Where leases are commercial agreements, but properties leased are part of properties predominantly used by Council for its own purposes, Council records lease revenue on an accruals basis and records the associated properties as part of land and buildings within property, plant and equipment. Buildings are recognised at depreciated replacement cost.

	2020	2019
	\$	\$
<b>Note 8 Grants</b>		
Grants were received in respect of the following:		
<b>Summary of grants</b>		
Federally funded grants	3,095,585	2,672,979
State funded grants	122,069	3,636
<b>Total</b>	<b>3,217,654</b>	<b>2,676,615</b>
<b>Grants - Recurrent</b>		
Financial assistance grant	2,506,457	2,464,768
Other	59,651	-
<b>Total recurrent grants</b>	<b>2,566,108</b>	<b>2,464,768</b>

**Accounting policy under AASB 15 and AASB 1058 - applicable from 1 July 2019**

Council recognises unearned grant revenue and those without performance obligations when received. In cases where funding includes specific performance obligations or is to acquire or construct a recognisable non-financial asset, a liability is recognised for funds received in advance and recognises income as obligations are fulfilled.

The performance obligations are varied based on the agreement, but include completion of the agreed asset.

Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract. Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project as there is no profit margin. For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Refer to note 37 for accounting policy related to AASB 15 and AASB 1058.

**Accounting policy under AASB 1004 - applicable for 2019 comparative**

The Australian Commonwealth Government provides unearned Financial Assistance Grants to Council for general purpose use and the provision of local roads. Previously, in accordance with AASB 1004: Contributions, Council recognised these grants as revenue when it received the funds and obtained control.

**Grant income - recurrent and capital**

Grant income is recognised as revenue when Council obtains control over the assets comprising the receipt. Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Where grants recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant is also disclosed.

Unreceived contributions over which Council has control are recognised as receivables.

The Australian Commonwealth Government provides unearned Financial Assistance Grants to Council for general purpose use and the provision of local roads. In accordance with AASB 1004: Contributions, Council recognised these grants as revenue when it received the funds and obtained control.

In both years the Commonwealth has made early payment of the first two quarterly instalments for the following year. The early receipt of instalments resulted in Commonwealth Government Financial Assistance Grants being above that originally budgeted in 2019-20 by \$37,359, (2018-19, (\$60,054)). This has impacted the Statement of Comprehensive Income resulting in the Surplus/(deficit) being higher by the same

<b>Capital grants received specifically for new or upgraded assets</b>	<b>\$</b>	<b>\$</b>
Commonwealth Government - roads to recovery	589,128	198,211
Community Infrastructure	62,418	-
Stronger Communities Programme	-	10,000
Other	-	3,636
<b>Total capital grants</b>	<b>651,546</b>	<b>211,847</b>

**Conditions on grants**

Non-reciprocal grants which were obtained on the condition that they be expended for specified purposes or in a future period, but which are not yet expended in accordance with those conditions, are as follows:

Unexpended at the close of the previous reporting period	44,000
Less: expended during the current period from revenues recognised in previous reporting periods	-
Roads to recovery	-
Highlands Food Connect Grant	(16,500)
Preventative Health projects in the Central Highlands	(3,465)
Grant Auspicing for Bothwell CWA	(15,000)
Community infrastructure	-
	<u>(34,965)</u>
Plus: amounts recognised as revenues in this reporting period but not yet expended in accordance with the conditions	-
Highlands Food Connect Grant	-
Preventative Health projects in the Central Highlands	-
Grant Auspicing for Bothwell CWA	-
	<u>9,035</u>
<b>Unexpended at the close of the reporting period</b>	<b>9,035</b>
Net increase (decrease) in non-reciprocal grant revenues for the year:	<u>(34,965)</u>

**Accounting policy**

**Grant income - operating and capital**

Grant income is recognised as revenue when Council obtains control over the assets comprising the receipt.

Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Where grants recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant is also disclosed. The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at balance date and conditions include a requirement to refund unused contributions. Revenue is then recognised as the various performance obligations under an agreement are fulfilled. Council does not currently have any reciprocal grants.

Unreceived contributions over which Council has control are recognised as receivables.



	2020 \$	2019 \$
<b>Note 9 Contributions</b>		
<b>Cash</b>		
Heavy Vehicle Contribution Fees	22,201	26,034
Parks, open space and streetscapes	2,423	-
<b>Total</b>	<b>24,624</b>	<b>26,034</b>
<b>Non-monetary assets</b>		
Buildings	-	30,600
Plant and equipment	-	13,900
<b>Total</b>	<b>-</b>	<b>44,500</b>
<b>Total contributions</b>	<b>24,624</b>	<b>70,534</b>

**Accounting policy under AASB 15 - applicable from 1 July 2019**

Council recognises contributions without performance obligations when received. In cases where the contributions is for a specific purpose to acquire or construct a recognisable non-financial asset, a liability is recognised for funds received in advance and income recognised as obligations are fulfilled.

Refer to note 37 for accounting policy related to AASB 15 and AASB 1056.

**Accounting policy under AASB 1004 - applicable for 2019 comparative**

**Contribution income**

Contributions are recognised as revenue when Council obtains control over the assets comprising the receipt.

Revenue is recognised when Council obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to Council and the amount of the contribution can be measured reliably. Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Non-monetary contributions (including developer contributions) with a value in excess of the recognition thresholds, are recognised as revenue and as non-current assets.

Unreceived contributions over which Council has control are recognised as receivables.

Where contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused contribution is also disclosed. The note also discloses the amount of unused contribution from prior years that was expended on Council's operations during the current year.

**Note 10 Interest**

Interest on financial assets	122,037	215,000
<b>Total</b>	<b>122,037</b>	<b>215,000</b>

**Accounting policy**

**Interest income**

Interest is recognised progressively as it is earned.

**Note 11 Other income**

Private Works	125,795	296,505
Reimbursements	90,524	65,985
Penalties and interest	26,597	36,555
<b>Total other income</b>	<b>242,916</b>	<b>399,045</b>

**Accounting policy**

**Other income**

Private Works jobs, reimbursements and penalties and interest are recognised as revenue when the payment is due or the payment is received, whichever first occurs.

**Note 12 Net gain/(loss) on disposal of property, infrastructure, plant and equipment**

Proceeds of sale	27,391	6,200
Write down value of assets disposed	19,533	(160,530)
<b>Total</b>	<b>46,924</b>	<b>(154,330)</b>

**Accounting policy**

**Gains and losses on asset disposals**

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

	2020	2019
	\$	\$
<b>Note 13 Investment revenue from water corporation</b>		
Dividend revenue received	42,736	53,492
Tax equivalent received	8,264	34,730
Guarantee fee received	-	5,810
<b>Total investment revenue from water corporation</b>	<b>51,000</b>	<b>95,032</b>

**Accounting policy**

**Investment revenue**

Dividend revenue is recognised when Council's right to receive payment is established and it can be reliably measured.

<b>Note 14 Employee benefits</b>		
Wages and salaries	1,676,583	1,621,155
Workers compensation	26,760	2,170
Annual leave and long service leave	217,752	210,323
Sick Leave	70,373	58,552
Superannuation	158,671	153,649
Fringe benefits tax	33,976	27,933
<b>Total employee benefits</b>	<b>2,184,115</b>	<b>2,073,782</b>
Less amounts capitalised	(242,301)	(89,123)
<b>Total operating employee benefits</b>	<b>1,941,814</b>	<b>1,984,659</b>

**Accounting policy**

**Employee benefits**

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

Employee benefits include, where applicable, entitlements to wages and salaries, annual leave, sick leave, long service leave, superannuation and any other post-employment benefits.

<b>Note 15 Materials and services</b>		
Contract payments	635,323	544,801
Building maintenance	44,193	27,650
Plant and equipment maintenance, hire and fuel	272,100	309,991
Consultants	111,339	88,507
Materials and services	378,914	456,483
Other	101,354	137,288
<b>Total materials and services</b>	<b>1,543,223</b>	<b>1,564,720</b>

**Accounting policy**

**Materials and services expense**

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

Routine maintenance, repair costs, and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

	2020 \$	2019 \$
<b>Note 16 Depreciation and amortisation</b>		
<i>Property</i>		
Buildings	124,078	115,454
<i>Plant and Equipment</i>		
Plant, machinery and equipment	309,454	308,329
Fixtures, fittings and furniture	17,128	17,236
Computers and telecommunications	30,861	30,608
<i>Infrastructure</i>		
Roads	1,285,015	1,285,015
Bridges	212,040	204,859
Footpaths and cycleways	52,820	52,820
Drainage	16,301	16,003
Infrastructure	73,727	72,833
<i>Other Assets</i>		
Deferred expenditure	-	22,000
<b>Total depreciation and amortisation</b>	<b>2,121,424</b>	<b>2,124,957</b>

#### Accounting policy

##### Depreciation and amortisation expense

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

Buildings, land improvements, plant and equipment, infrastructure and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Land and road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life. Straight line depreciation is charged based on the residual useful life as determined each year.

Major depreciation periods used are listed below and are consistent with the prior year unless otherwise stated:

	Period
Land improvements	50 years
Buildings	
buildings	10-100 years
building improvements	10-20 years
Leasehold improvements	
leasehold building improvements	10-20 years
Plant and Equipment	
plant, machinery and equipment	2-15 years
fixtures, fittings and furniture	10-20 years
computers and telecommunications	2.5-10 years
leased plant and equipment	2-15 years
Roads	
road pavements and seals	12-30 years
road substructure	60 years
road formation and earthworks	200 years
road kerb, channel and minor culverts	50-80 years
Bridges	
bridges deck	20-80 years
bridges substructure	25-50 years
Other Infrastructure	
footpaths and cycleways	5-80 years
drainage	100 years
recreational, leisure and community facilities	10-20 years
waste management	10-20 years
parks, open space and streetscapes	10-20 years
off street car parks	10-20 years

	2020 \$	2019 \$
<b>Note 17 Other expenses</b>		
External auditors' remuneration (Tasmanian Audit Office)	30,034	27,039
Councillors' allowances	132,802	137,700
Fire Levy	223,995	216,181
Light and Power	112,971	113,965
Insurance	294,738	241,232
Valuation Fees	11,450	12,300
Communications and Telephones	51,694	60,267
Community Support and Donations	75,242	63,867
Land Tax	22,987	22,841
Subscriptions and membership	32,376	32,698
Advertising	28,561	33,418
Legal Fees	76,244	152,879
Printing and Stationery	17,698	18,102
Bank Fees	21,397	18,952
Payroll Tax	3,520	36,438
Water, Sewerage and Rates	113,009	111,010
Landfill Restoration Provisions	-	100,000
Other	59,019	61,863
<b>Total other expenses</b>	<b>1,307,737</b>	<b>1,460,552</b>

#### Accounting policy

##### Other expenses

Expenses are recognised in the Statement of Profit or Loss and Other Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

#### Note 18 Investment in water corporation

Opening Balance	9,110,354	8,028,075
Fair Value adjustments on equity investment assets	(2,039,306)	1,082,279
<b>Total investment in water corporation</b>	<b>7,071,048</b>	<b>9,110,354</b>

Council has derived returns from the water corporation as disclosed at note 13.

#### Accounting policy under AASB 9

##### Equity Investment

As Council's investment in TasWater is held for long-term strategic purposes, Council has elected under AASB 9: Financial Instruments to irrevocably classify this equity investment as designated as fair value through other comprehensive income. Subsequent changes in fair value on designated investments in equity instruments are recognised in other comprehensive income (for fair value reserve, refer Note 28) and not reclassified through the profit or loss when derecognised. Dividends associated with the equity investments are recognised in profit and loss when the right of payment has been established and it can be reliably measured. Fair value was determined by using Council's ownership interest against the water corporation's net asset value at balance date. At 30 June 2020, Council holds a 0.49% (2019: 0.49%) ownership interest in TasWater which is based on Schedule 2 of the Corporation's Constitution.

#### Note 19 Cash and cash equivalents

Cash on hand	550	550
Cash at bank	1,001,893	1,141,299
Term deposits and investments	10,219,560	9,331,949
<b>Total cash and cash equivalents</b>	<b>11,222,003</b>	<b>10,473,798</b>

Council's cash and cash equivalents are subject to a number of internal and external restrictions that limit amounts available for discretionary or future use. These include:

- Trust funds and deposits (note 25)	146,499	190,840
- Conditions on grants (note 8)	-	9,035
- Grants received in advance (27)	172,929	-
- Provisions (note 26)	1,097,372	975,599
<b>Restricted funds</b>	<b>1,416,800</b>	<b>1,175,474</b>

<b>Total unrestricted cash and cash equivalents</b>	<b>9,805,203</b>	<b>9,298,324</b>
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#### Accounting policy

##### Cash and cash equivalents

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

##### Restricted funds

(i) Includes refundable building, contract and other refundable amounts held in trust by Council for completion of specific purposes.

(ii) Represents grant funding received in advance until specific performance obligations required under funding arrangements are completed.



	2020	2019
	\$	\$
<b>Note 20 Trade and other receivables</b>		
<b>Current</b>		
Rates debtors	162,749	130,777
Other debtors	68,119	134,878
Provision for impairment - other debtors	(6,029)	(6,029)
<b>Total trade and other receivables</b>	<b>224,839</b>	<b>259,626</b>
<b>Reconciliation of movement in expected credit loss</b>		
Carrying amount at 1 July	6,029	
Amounts written off during the year	-	
Amounts recovered during the year	-	
Increase/(decrease) in provision recognised in profit or loss	-	
<b>Carrying amount at 30 June</b>	<b>6,029</b>	
<b>Reconciliation of movement in expected credit loss</b>		
Carrying amount at 1 July under AASB 9		6,029
Amounts written off during the year		-
Amounts recovered during the year		-
Increase / (decrease) in provision recognised in profit or loss		-
<b>Carrying amount at 30 June</b>		<b>6,029</b>

#### Accounting policy

##### Trade and other receivables

Trade receivables that do not contain a significant financing component are measured at amortised cost, which represents their transaction value. Impairment is recognised on an expected credit loss (ECL) basis. When determining whether the credit risk has increased significantly since initial recognition, and when estimating the ECL, Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience, an informed credit assessment and forward-looking information. Council has established a provision matrix to facilitate the impairment assessment. For rate debtors, Council takes the view that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold unless there are circumstances where a property is likely to be unsaleable. For non-rate debtors, Council uses the presumptions that assets more than 30 days past due have a significant increase in credit risk and those more than 180 days will likely be in default. Council writes off receivables when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery.

<b>Note 21 Inventories</b>		
Inventories held for consumption	6,375	9,982
<b>Total inventories</b>	<b>6,375</b>	<b>9,982</b>

#### Accounting policy

##### Inventories

Inventories held for distribution are measured at cost adjusted when applicable for any loss of service potential. Other inventories are measured at the lower of cost and net realisable value.

Where inventories are acquired at no cost, or for nominal consideration, the cost shall be the current replacement cost as at the date of acquisition.

<b>Note 22 Other assets</b>		
<b>Current</b>		
Prepayments	46,451	-
Accrued income*	8,181	5,789
<b>Total</b>	<b>54,632</b>	<b>5,789</b>

\* Accrued income only includes interest receivable.

Note 23

	2020	2019
	\$	\$
<b>Property, infrastructure, plant and equipment</b>		
<b>Summary</b>		
at cost	6,324,626	6,701,707
Less accumulated depreciation	<u>(3,362,790)</u>	<u>(3,170,022)</u>
	<b>2,961,836</b>	<b>3,531,685</b>
at fair value at 30 June	110,649,559	107,497,846
Less accumulated depreciation	<u>(29,480,665)</u>	<u>(27,911,653)</u>
	<b>81,168,894</b>	<b>79,586,193</b>
<b>Total</b>	<b>84,130,730</b>	<b>83,117,878</b>
<b>Property</b>		
<b>Land</b>		
at fair value at 30 June	<u>3,401,816</u>	<u>3,401,816</u>
	<b>3,401,816</b>	<b>3,401,816</b>
<b>Land under roads</b>		
at Council valuation at 30 June	<u>1,111,124</u>	<u>957,396</u>
	<b>1,111,124</b>	<b>957,396</b>
<b>Total Land</b>	<b>4,512,940</b>	<b>4,359,212</b>
<b>Buildings</b>		
at fair value at 30 June	5,818,043	5,724,616
Less accumulated depreciation	<u>(654,574)</u>	<u>(530,495)</u>
<b>Total Buildings</b>	<b>5,163,469</b>	<b>5,194,121</b>
<b>Total Property</b>	<b>9,676,409</b>	<b>9,553,333</b>

Valuation of land (excluding land under roads) and buildings was undertaken by the Valuer-General in 2014-15. The valuation of buildings is at fair value based on current replacement cost less accumulated depreciation at the date of valuation. The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Land under roads were revalued in 2019/20 based on unit rate per hectare provided by the Valuer General through the Department of Primary Industries, Parks Water and Environment.

Note	2020	2019
23	\$	\$
<b>Property, infrastructure, plant and equipment (cont.)</b>		
<b>Plant and Equipment</b>		
Plant, machinery and equipment		
at cost	5,170,713	5,003,924
Less accumulated depreciation	(2,990,718)	(2,844,278)
	<u>2,179,995</u>	<u>2,159,646</u>
Fixtures, fittings and furniture		
at cost	270,790	259,281
Less accumulated depreciation	(99,811)	(82,682)
	<u>170,979</u>	<u>176,599</u>
Computers and telecommunications		
at cost	324,801	313,195
Less accumulated depreciation	(272,261)	(243,062)
	<u>52,540</u>	<u>70,133</u>
<b>Total Plant and Equipment</b>	<u>2,403,514</u>	<u>2,406,378</u>
<b>Infrastructure</b>		
Roads		
at fair value at 30 June	78,206,073	76,314,943
Less accumulated depreciation	(17,655,183)	(16,816,512)
	<u>60,550,890</u>	<u>59,498,431</u>
Bridges		
at fair value at 30 June	16,114,517	15,240,097
Less accumulated depreciation	(7,896,761)	(7,423,870)
	<u>8,217,756</u>	<u>7,816,227</u>
Footpaths, kerbs and gutters		
at fair value at 30 June	2,789,021	2,706,735
Less accumulated depreciation	(1,855,449)	(1,802,629)
	<u>933,572</u>	<u>904,106</u>
Drainage		
at fair value at 30 June	1,630,154	1,630,154
Less accumulated depreciation	(625,248)	(608,947)
	<u>1,004,906</u>	<u>1,021,207</u>
Infrastructure		
at fair value at 30 June	1,578,811	1,522,089
Less accumulated depreciation	(793,450)	(729,200)
	<u>785,361</u>	<u>792,889</u>
<b>Total Infrastructure</b>	<u>71,492,485</u>	<u>70,032,860</u>
A full valuation of roads and footpaths was undertaken by independent valuers, Moloneys Asset Management Systems, effective October 2014. Bridges were revalued by AusSpan effective 2020. Drainage and other infrastructure have not been revalued due to the immaterial amount of assets in these classes.		
<b>Works in progress</b>		
Buildings at cost	15,759	35,418
Roads at cost	193,296	916,101
Infrastructure	36,609	7,350
Drainage	50,484	45,815
Footpaths, kerbs and gutters	351	82,286
Bridges	261,823	38,337
<b>Total Works in progress</b>	<u>558,322</u>	<u>1,125,307</u>
<b>Total property, infrastructure, plant and equipment</b>	<u>84,130,730</u>	<u>83,117,878</u>

Note 23 Property, infrastructure, plant and equipment (cont.)

Reconciliation of property, infrastructure, plant and equipment

2020	Balance at beginning of financial year	Acquisition of assets	Revaluation increments (decrements) (note 28)	Depreciation and amortisation (note 16)	Written down value of disposals	Transfers	Balance at end of financial year
	\$	\$	\$	\$	\$	\$	\$
<b>Property</b>							
land	3,401,816	-	-	-	-	-	3,401,816
land under roads	957,396	-	153,728	-	-	-	1,111,124
<b>Total land</b>	<b>4,359,212</b>	<b>-</b>	<b>153,728</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,512,940</b>
buildings	5,194,121	-	-	124,078	-	93,426	5,163,469
<b>Total buildings</b>	<b>5,194,121</b>	<b>-</b>	<b>-</b>	<b>124,078</b>	<b>-</b>	<b>93,426</b>	<b>5,163,469</b>
<b>Total property</b>	<b>9,553,333</b>	<b>-</b>	<b>153,728</b>	<b>124,078</b>	<b>-</b>	<b>93,426</b>	<b>9,676,409</b>
<b>Plant and Equipment</b>							
plant, machinery and equipment	2,159,646	348,012	-	309,454	18,209	-	2,179,995
fixtures, fittings and furniture	176,599	11,508	-	17,128	-	-	170,979
computers and telecommunications	70,133	13,268	-	30,861	-	-	52,540
<b>Total plant and equipment</b>	<b>2,406,378</b>	<b>372,788</b>	<b>-</b>	<b>357,443</b>	<b>18,209</b>	<b>-</b>	<b>2,403,514</b>
<b>Infrastructure</b>							
roads	59,498,431	-	-	1,285,015	-	2,337,474	60,550,890
bridges	7,816,227	-	393,490	212,040	(37,742)	182,337	8,217,756
footpaths, kerbs and gutters	904,106	-	-	52,820	-	82,286	933,572
drainage	1,021,207	-	-	16,301	-	-	1,004,906
infrastructure	792,889	-	-	73,727	-	66,199	785,361
<b>Total infrastructure</b>	<b>70,032,860</b>	<b>-</b>	<b>393,490</b>	<b>1,639,903</b>	<b>(37,742)</b>	<b>2,668,296</b>	<b>71,492,485</b>
<b>Works in progress</b>							
roads	916,101	1,614,669	-	-	-	(2,337,474)	193,296
buildings	35,418	73,767	-	-	-	(93,426)	15,759
infrastructure	7,350	95,458	-	-	-	(66,199)	36,609
drainage	45,815	4,669	-	-	-	-	50,484
footpaths, kerbs and gutters	82,286	351	-	-	-	(82,286)	351
bridges	38,337	405,823	-	-	-	(182,337)	261,823
<b>Total works in progress</b>	<b>1,125,307</b>	<b>2,194,737</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(2,761,722)</b>	<b>558,322</b>
<b>Total property, infrastructure, plant and equipment</b>	<b>83,117,878</b>	<b>2,567,525</b>	<b>547,218</b>	<b>2,121,424</b>	<b>(19,533)</b>	<b>-</b>	<b>84,130,730</b>

(a) Impairment losses

Impairment losses are recognised in the Statement of comprehensive income under other expenses.

Reversals of impairment losses are recognised in the statement of comprehensive income under other revenue.



**Note 23 Property, infrastructure, plant and equipment (cont.)**

**Reconciliation of property, infrastructure, plant and equipment**

2019	Balance at beginning of financial year	Acquisition of assets	Revaluation increments (decrements) (note 28)	Depreciation and amortisation (note 16)	Written down value of disposals	Transfers	Balance at end of financial year
	\$	\$	\$	\$	\$	\$	\$
<b>Property</b>							
land	3,395,000	6,816	-	-	-	-	3,401,816
land under roads	957,396	-	-	-	-	-	957,396
<b>Total land</b>	<b>4,352,396</b>	<b>6,816</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,359,212</b>
buildings	5,107,130	30,600	-	115,454	-	171,845	5,194,121
<b>Total buildings</b>	<b>5,107,130</b>	<b>30,600</b>	<b>-</b>	<b>115,454</b>	<b>-</b>	<b>171,845</b>	<b>5,194,121</b>
<b>Total property</b>	<b>9,459,526</b>	<b>37,416</b>	<b>-</b>	<b>115,454</b>	<b>-</b>	<b>171,845</b>	<b>9,553,333</b>
<b>Plant and Equipment</b>							
plant, machinery and equipment	2,250,520	217,455	-	308,329	-	-	2,159,646
fixtures, fittings and furniture	146,916	46,919	-	17,236	-	-	176,599
computers and telecommunications	84,056	16,685	-	30,608	-	-	70,133
<b>Total plant and equipment</b>	<b>2,481,492</b>	<b>281,059</b>	<b>-</b>	<b>356,173</b>	<b>-</b>	<b>-</b>	<b>2,406,378</b>
<b>Infrastructure</b>							
roads	59,931,818	-	-	1,285,015	160,530	1,012,158	59,498,431
bridges	7,983,719	-	-	204,659	-	37,167	7,816,227
footpaths, kerbs and gutters	956,926	-	-	52,820	-	-	904,106
drainage	1,037,210	-	-	16,003	-	-	1,021,207
infrastructure	784,846	-	-	72,833	-	80,876	792,889
<b>Total infrastructure</b>	<b>70,694,519</b>	<b>-</b>	<b>-</b>	<b>1,631,330</b>	<b>160,530</b>	<b>1,130,201</b>	<b>70,032,860</b>
<b>Works in progress</b>							
roads	342,748	1,585,511	-	-	-	(1,012,158)	916,101
buildings	120,550	86,713	-	-	-	(171,845)	35,418
infrastructure	50,003	38,223	-	-	-	(80,876)	7,350
drainage	18,751	27,064	-	-	-	-	45,815
footpaths, kerbs and gutters	-	82,286	-	-	-	-	82,286
bridges	20,731	54,773	-	-	-	(37,167)	38,337
<b>Total works in progress</b>	<b>552,783</b>	<b>1,874,570</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1,302,046)</b>	<b>1,125,307</b>
<b>Total property, infrastructure, plant and equipment</b>	<b>83,188,320</b>	<b>2,193,045</b>	<b>-</b>	<b>2,102,957</b>	<b>160,530</b>	<b>-</b>	<b>83,117,878</b>

**(a) Impairment losses**

Impairment losses are recognised in the Statement of comprehensive income under other expenses.

Reversals of impairment losses are recognised in the statement of comprehensive income under other revenue.

**Note 23 Property, infrastructure, plant and equipment (cont.)**

**Accounting policy**

**Recognition and measurement of assets**

Acquisitions of assets are initially recorded at cost. Cost is determined as the fair value of the assets given as consideration plus costs. Property, infrastructure, plant and equipment received in the form of contributions, are recognised as assets and revenues at fair value by Council. Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction. The following classes of assets have been recognised. In accordance with Council's policy, the threshold limits detailed below have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year:

	Threshold
	\$
Land	
land	5,000
land improvements	5,000
land under roads	5,000
Buildings	
buildings	5,000
building improvements	5,000
heritage buildings	5,000
Plant and Equipment	
plant, machinery and equipment	1,000
fixtures, fittings and furniture	1,000
computers and telecommunications	1,000
leased plant and equipment	1,000
Roads	
road pavements and seals	5,000
road substructure	5,000
road formation and earthworks	5,000
road kerb, channel and minor culverts	5,000
Bridges	
bridges deck	5,000
bridges substructure	5,000
Other Infrastructure	
footpaths and cycleways	5,000
drainage	5,000
recreational, leisure and community facilities	5,000
waste management	5,000
parks, open space and streetscapes	5,000
off street car parks	5,000
Intangible assets	
intangible assets	1,000

**Revaluation**

Council has adopted the following valuation bases for its non-current assets:

Land	fair value
Land improvements	cost
Plant and machinery	cost
Furniture, fittings and office equipment	cost
Stormwater and drainage infrastructure	fair value
Roads and streets infrastructure	fair value
Bridges	fair value
Buildings	fair value
Intangibles	cost
Parks, recreation facilities and community amenities	cost
Investment in water corporation	fair value

**Note 23 Property, infrastructure, plant and equipment (cont.)**

**Accounting policy (cont.)**

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, furniture and fittings and computers, are measured at their fair value in accordance with AASB 116 *Property, Plant & Equipment* and AASB 13 *Fair Value Measurement*. At balance date, Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset class materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date the class of asset was revalued.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis to ensure valuations represent fair value. The valuation is performed either by experienced Council officers or independent experts.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use on an asset result in changes to the permissible or practical highest and best use of the asset.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation surplus for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

**Impairment of assets**

Impairment losses are recognised in the statement of comprehensive income under other expenses.

Reversals of impairment losses are recognised in the statement of comprehensive income under other revenue.

	2020	2019
	\$	\$
<b>Note 24 Trade and other payables</b>		
Trade payables	459,865	411,113
Accrued expenses	68,603	67,190
Other	6,589	5,064
<b>Total trade and other payables</b>	<b>535,057</b>	<b>483,367</b>

**Accounting policy**

**Trade and other payables**

Liabilities are recognised for amounts to be paid in the future for goods and services provided to Council as at balance date whether or not invoices have been received. General creditors are unsecured, not subject to interest charges and are normally settled within 30 days of invoice receipt.

<b>Note 25 Trust funds and deposits</b>		
Refundable building deposits	1,200	1,200
Retention amounts	47,407	49,417
Other refundable deposits	97,892	140,223
<b>Total trust funds and deposits</b>	<b>146,499</b>	<b>190,840</b>

**Accounting policy**

**Tender deposits**

Amounts received as tender deposits and retention amounts controlled by Council are recognised as Trust funds until they are returned or forfeited.

Note 26 Provisions

	Annual leave & RDO's	Long service leave	Sick Leave	Landfill Restoration	Other	Total
<b>2020</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Balance at beginning of the financial year	165,542	403,914	204,452	100,000	101,691	975,599
Additional provisions	157,007	66,188	52,287	-	45,928	321,410
Amounts used	(106,476)	(26,295)	(42,498)	-	(24,368)	(199,637)
Balance at the end of the financial year	<u>216,073</u>	<u>443,807</u>	<u>214,241</u>	<u>100,000</u>	<u>123,251</u>	<u>1,097,372</u>
Current	216,073	344,088	214,241		108,191	883,593
Non-Current		99,719		100,000	14,060	213,779
<b>Total</b>	<b>216,073</b>	<b>443,807</b>	<b>214,241</b>	<b>100,000</b>	<b>123,251</b>	<b>1,097,372</b>
<b>2019</b>						
Balance at beginning of the financial year	149,606	354,329	192,140	-	87,010	783,085
Additional provisions	138,630	79,103	32,825	100,000	37,028	387,586
Amounts used	(122,694)	(29,518)	(20,513)	-	(22,347)	(195,072)
Balance at the end of the financial year	<u>165,542</u>	<u>403,914</u>	<u>204,452</u>	<u>100,000</u>	<u>101,691</u>	<u>975,599</u>
Current	165,542	308,440	204,452		89,146	767,580
Non-Current		95,474		100,000	12,545	208,019
<b>Total</b>	<b>165,542</b>	<b>403,914</b>	<b>204,452</b>	<b>100,000</b>	<b>101,691</b>	<b>975,599</b>

2020 2019

(a) Employee benefits

The following assumptions were adopted in measuring the present value of employee benefits:

Weighted average increase in employee costs	5.32%	6.97%
Weighted average discount rates	0.36%	1.04%
Weighted average settlement period	12	12

Employee Numbers - FTE

27 27



Note 26 Provisions (cont.)

**Accounting policy**

**Employee benefits**

*i) Short term obligations*

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

*ii) Other long term employee benefit obligations*

The liability for long service leave and annual leave which is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

The obligations are presented as current liabilities in the statement of financial position if the entity does not have an unconditional right to defer settlement for at least twelve months after the reporting date, regardless of when the actual settlement is expected to occur.

*iii) Sick leave*

No accrual is made for sick leave as Council experience indicates that, on average, sick leave taken in each reporting period is less than the entitlement accruing in that period, and this experience is expected to recur in future reporting periods. Council does not make payment for untaken sick leave.

*iv) Defined benefit plans*

A liability or asset in respect of defined benefit superannuation plans would ordinarily be recognised in the statement of financial position, and measured as the present value of the defined benefit obligation at the reporting date plus unrecognised actuarial gains (less unrecognised actuarial losses) less the fair value of the superannuation fund's assets at that date and any unrecognised past service cost. The present value of the defined benefit obligation is based on expected future payments which arise from membership of the fund to the reporting date, calculated annually by independent actuaries using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. However, when this information is not reliably available, Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans i.e. as an expense when it becomes payable.

Council makes superannuation contributions for a number of its employees to the Quadrant Defined Benefits Fund, which is a sub fund of the Tasplan Superannuation. The Quadrant Defined Benefits Fund has been classified as a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated by employer, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided under paragraph 34 of AASB 119 Employee Benefits, Council does not use defined benefit accounting for these contributions.

*v) Defined contribution plans*

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

**(b) Landfill restoration**

Council is obligated to restore its waste transfer stations to a particular standard. Current projections indicate that the waste transfer station site will cease operation in 2021/22 and restoration work is expected to commence two years after. The forecast life of the sites is based on current estimates of remaining capacity and the forecast rate of infill. The provision for restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Council does not expect to receive reimbursement from a third party

**Note 27 Contract liabilities**

**Current**

Rates and charges in advance	107,017	-
Grants received in advance	172,929	-
	<u>279,946</u>	

**Accounting policy under AASB 15 and AASB 1058 - applicable from 1 July 2019**

Council recognised the following contract liabilities with customers:

i) Rates and charges in advance represents amounts received by Council prior to the commencement of the rating or charging period. Revenue is recognised by council at the beginning of the rating or charge period to which the advance payment relates.

ii) Grants received in advance includes funding for the construction of a public toilet block and also health promotion in the municipality. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue.

iii) Upfront payments of funding are recognised as a contract liability until performance obligations in accordance with AASB 15 are satisfied and recognition criteria are met.

Refer to note 37 for accounting policy related to AASB 15 and AASB 1058.

Note 28 Reserves

	Balance at beginning of reporting year	Increment	(decrement)	Balance at end of reporting year
(a) Asset revaluation reserve	\$	\$	\$	\$
<b>2020</b>				
<b>Property</b>				
Land	1,994,350	-	-	1,994,350
Land under roads	-	153,728	-	153,728
Buildings	1,712,197	-	-	1,712,197
Fixtures and fittings	4,530	-	-	4,530
	<u>3,711,077</u>	<u>153,728</u>	<u>-</u>	<u>3,864,805</u>
<b>Infrastructure</b>				
Roads	53,840,334	-	-	53,840,334
Bridges	6,958,522	393,490	-	7,352,012
Footpaths and cycleways	2,545,740	-	-	2,545,740
Drainage	596,922	-	-	596,922
	<u>63,941,518</u>	<u>393,490</u>	<u>-</u>	<u>64,335,008</u>
<b>Total asset revaluation reserve</b>	<u>67,652,595</u>	<u>547,218</u>	<u>-</u>	<u>68,199,813</u>
<b>2019</b>				
<b>Property</b>				
Land	1,994,350	-	-	1,994,350
Buildings	1,712,197	-	-	1,712,197
Fixtures and fittings	4,530	-	-	4,530
	<u>3,711,077</u>	<u>-</u>	<u>-</u>	<u>3,711,077</u>
<b>Infrastructure</b>				
Roads	53,840,334	-	-	53,840,334
Bridges	6,958,522	-	-	6,958,522
Footpaths and cycleways	2,545,740	-	-	2,545,740
Drainage	596,922	-	-	596,922
	<u>63,941,518</u>	<u>-</u>	<u>-</u>	<u>63,941,518</u>
<b>Total asset revaluation reserve</b>	<u>67,652,595</u>	<u>-</u>	<u>-</u>	<u>67,652,595</u>

The asset revaluation reserve was established to capture the movements in asset valuations upon the periodic revaluation of Council's assets.

	Balance at beginning of reporting year	Increment	(decrement)	Balance at end of reporting year
(b) Fair value reserve	\$	\$	\$	\$
<b>2020</b>				
<b>Equity Investment assets</b>				
Investment in water corporation	(47,966)	-	(2,039,306)	(2,087,272)
<b>Total fair value reserve</b>	<u>(47,966)</u>	<u>-</u>	<u>(2,039,306)</u>	<u>(2,087,272)</u>
<b>2019</b>				
<b>Equity Investment assets</b>				
Investment in water corporation	(1,130,245)	1,082,279	-	(47,966)
<b>Total fair value reserve</b>	<u>(1,130,245)</u>	<u>1,082,279</u>	<u>-</u>	<u>(47,966)</u>

Council has to designate its investment in Taswater as an equity investment at fair value through other comprehensive income. Subsequent changes in fair value are reflected in the reserve and will not be reclassified through the profit or loss when derecognised.

**Note 28 Reserves (cont)**

	Balance at beginning of reporting year	Transfer from accumulated surplus	Transfer to accumulated surplus	Balance at end of reporting year
(c) Other reserves	\$	\$	\$	\$
<b>2020</b>				
Other Reserves	1,645,255	42,315	(9,035)	1,678,535
<b>Total Other reserves</b>	<b>1,645,255</b>	<b>42,315</b>	<b>(9,035)</b>	<b>1,678,535</b>
<b>2019</b>				
Other Reserves	1,530,634	179,104	(64,483)	1,645,255
<b>Total Other reserves</b>	<b>1,530,634</b>	<b>179,104</b>	<b>(64,483)</b>	<b>1,645,255</b>
			<b>2020</b>	<b>2019</b>
			\$	\$
(a) Asset revaluation reserve			68,199,813	67,652,595
(b) Fair value reserve			(2,087,272)	(47,966)
(c) Other reserves			1,678,535	1,645,255
<b>Total Reserves</b>			<b>67,791,076</b>	<b>69,249,884</b>

**Note 29 Reconciliation of cash flows from operating activities to net result for the year**

Result from continuing operations	911,198	170,660
Depreciation/amortisation	2,121,424	2,124,957
(Profit)/loss on disposal of property, plant and equipment, infrastructure	(46,924)	154,330
Capital grants received specifically for new or upgraded assets	(731,546)	(211,847)
<i>Change in assets and liabilities:</i>		
Decrease/(increase) in trade and other receivables	34,787	3,737
Decrease/(increase) in other assets	(48,843)	(28,544)
Decrease/(increase) in inventories	3,607	(3,982)
Increase/(decrease) in trade and other payables	51,690	(162,951)
Increase/(decrease) in provisions	121,773	192,514
Increase/(decrease) in other liabilities	139,626	66,353
<b>Net cash provided by/(used in) operating activities</b>	<b>2,556,792</b>	<b>2,305,227</b>

**Note 30 Reconciliation of cash and cash equivalents**

Cash and cash equivalents (see note 19)	11,222,003	10,473,798
<b>Total reconciliation of cash and cash equivalents</b>	<b>11,222,003</b>	<b>10,473,798</b>



**Note 31 Superannuation**

Council makes superannuation contributions for a number of its employees to the Quadrant Defined Benefits Fund (the Fund), a sub-fund of the Tasplan Superannuation Fund (Tasplan). The Quadrant Defined Benefits Fund has been classified as a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated by employer, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided under paragraph 34 of AASB 119 *Employee Benefits*, Council does not use defined benefit accounting for these contributions.

For the year ended 30 June 2020 the Council contributed 0% (2019: 0%) of employees' gross income to the Fund. Assets accumulate in the fund to meet member benefits as they accrue, and if assets within the fund are insufficient to satisfy benefits payable, the Council is required to meet its share of the deficiency.

Rice Warner Pty Ltd undertook the last actuarial review of the Fund at 30 June 2017. The review disclosed that at that time the net market value of assets available for funding member benefits was \$58,940,000, the value of vested benefits was \$51,170,000, the surplus over vested benefits was \$7,770,000, the value of total accrued benefits was \$50,606,000, and the number of members was 134. These amounts relate to all members of the fund at the date of valuation and no asset or liability is recorded in the Tasplan Super's financial statements for Council employees.

The financial assumptions used to calculate the Accrued Benefits for the Fund were:

- Net Investment Return 7.0% p.a.
- Salary Inflation 4.0% p.a.
- Price Inflation n/a

The actuarial review concluded that:

- The value of assets of the Fund was adequate to meet the liabilities of the Fund in respect of vested benefits as at 30 June 2017.
- The value of assets of the Fund was adequate to meet the value of the liabilities of the Fund in respect of accrued benefits as at 30 June
- Based on the assumptions used, and assuming the Employer contributes at the levels described below, the value of the assets is expected to continue to be adequate to meet the value of the liabilities of the Fund in respect of vested benefits at all times during the period up to 30 June 2017.

Given the strong financial position of the Fund, the Actuary recommended that the Council consider a contribution holiday and contribute 0% of salaries from 1 July 2018 to 30 June 2021.

The Actuary will continue to undertake a brief review of the financial position the Fund at the end of each financial year to confirm that the contribution rates remain appropriate. The next full triennial actuarial review of the Fund will have an effective date of 30 June 2021 and is expected to be completed late in 2021.

Council also contributes to other accumulation schemes on behalf of a number of employees; however the Council has no ongoing responsibility to make good any deficiencies that may occur in those schemes.

During the year Council made the required superannuation contributions for all eligible employees to an appropriate complying superannuation fund as required by the *Superannuation Guarantee (Administration) Act 1992*.

As required in terms of paragraph 148 of AASB 119 *Employee Benefits*, Council discloses the following details:

- The 2017 actuarial review used the "aggregate" funding method. This is a standard actuarial funding method. The results from this method were tested by projecting future fund assets and liabilities for a range of future assumed investment returns. The funding method used is consistent with the method used at the previous actuarial review in 2014.

Under the aggregate funding method of financing the benefits, the stability of the Councils' contributions over time depends on how closely the Fund's actual experience matches the expected experience. If the actual experience differs from that expected, the Councils' contribution rate may need to be adjusted accordingly to ensure the Fund remains on course towards financing members' benefits.

- In terms of Rule 27.4 of the Tasplan Trust Deed (Trust Deed), there is a risk that employers within the Fund may incur an additional liability when an Employer ceases to participate in the Fund at a time when the assets of the Fund are less than members' vested benefits. Each member of the Fund who is an employee of the Employer who is ceasing to Participate is required to be provided with a benefit at least equal to their vested benefit in terms of Rule 27.4 (b) (A). However, there is no provision in the Trust Deed requiring an employer to make contributions other than its regular contributions up to the date of cessation of contributions. This issue can be resolved by the Trustee seeking an Actuarial Certificate in terms of Rule 26.5 identifying a deficit and the Trustee determining in terms of Rule 26.3(c) that the particular employer should make the payment required to make good any shortfall before the cessation of participation is approved.

Note 31 Superannuation (cont.)

- The application of Fund assets on Tasplan being wound-up is set out in Rule 41.4. This Rule provides that expenses and taxation liabilities should have first call on the available assets. Additional assets will initially be applied for the benefit of the then remaining members and/or their Dependents in such manner as the Trustee considers equitable and appropriate in accordance with the Applicable Requirements (broadly, superannuation and taxation legislative requirements and other requirements as determined by the regulators).

The Trust Deed does not contemplate the Fund withdrawing from Tasplan. However it is likely that Rule 27.4 would be applied in this case (as detailed above).

- The Fund is a defined benefit Fund.
- The Quadrant Defined Benefits Fund has been classified as a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated by employer, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. Thus the Fund is not able to prepare standard AASB119 defined benefit reporting.
- As reported above, Assets exceeded accrued benefits as at the date of the last actuarial review, 30 June 2017. Moderate investment returns, since that date, make it quite probable that this is still the position. The financial position of the Fund will be fully investigated at the actuarial review as at 30 June 2020.
- An analysis of the assets and vested benefits of sub-funds participating in the Scheme, prepared by Rice Warner Pty Ltd as at 30 June 2019, showed that the Fund had assets of \$56.64 million and members' Vested Benefits were \$47.32 million. These amounts represented 0.6% and 0.5% respectively of the corresponding total amounts for Tasplan.
- As at 30 June 2019 the fund had 107 members and the total employer contributions and member contributions for the year ending 30 June 2019 were \$1,000,322 and \$221,484 respectively.

	2020	2019
	\$	\$
<b>Fund</b>		
Defined benefits fund		
Employer contributions to Tasplan	-	-
	-	-
<b>Accumulation funds</b>		
Employer contributions to super funds	158,671	153,649
	158,671	153,649

	2020	2019
	\$	\$
<b>Note 32 Commitments</b>		
<b>Capital expenditure commitments</b>		
Roads	-	65,093
<b>Total</b>	-	65,093
<b>Contractual commitments</b>		
Contractual commitments at end of financial year but not recognised in the financial report are as follows:		
Recycling and garbage collection contracts (expires 2022)	702,102	660,276
<b>Total</b>	702,102	660,276

Note 33 Contingent liabilities

Council is presently involved in confidential legal matters, which are being conducted through Council's solicitors.

As these matters are yet to be finalised, and the financial outcomes are unable to be reliably estimated, no allowance for these contingencies has been made in the financial report.

Note 34 Financial Instruments

(a) Interest Rate Risk

The exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

2020

	Weighted average interest rate	Floating interest rate \$	Fixed interest maturing in:		Non- interest bearing \$	Total \$
			1 year or less \$	Over 1 to 5 years \$		
<b>Financial assets</b>						
Cash and cash equivalents	0.56%	10,219,561	1,002,442	-	-	11,222,003
Trade and other receivables		224,839	-	-	-	224,839
Investment in water corporation		-	-	-	7,071,048	7,071,048
<b>Total financial assets</b>		<b>10,444,400</b>	<b>1,002,442</b>	<b>-</b>	<b>7,071,048</b>	<b>18,517,890</b>
<b>Financial liabilities</b>						
Trade and other payables		-	-	-	535,057	535,057
Trust funds and deposits		-	-	-	146,499	146,499
<b>Total financial liabilities</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>681,556</b>	<b>681,556</b>
<b>Net financial assets (liabilities)</b>		<b>10,444,400</b>	<b>1,002,442</b>	<b>-</b>	<b>6,389,492</b>	<b>17,836,334</b>

2019

	Weighted average interest rate	Floating interest rate \$	Fixed interest maturing in:		Non- interest bearing \$	Total \$
			1 year or less \$	Over 1 to 5 years \$		
<b>Financial assets</b>						
Cash and cash equivalents	1.65%	1,141,850	9,331,948	-	-	10,473,798
Trade and other receivables		259,626	-	-	-	259,626
Investment in water corporation		-	-	-	9,110,354	9,110,354
<b>Total financial assets</b>		<b>1,401,476</b>	<b>9,331,948</b>	<b>-</b>	<b>9,110,354</b>	<b>19,843,778</b>
<b>Financial liabilities</b>						
Trade and other payables		-	-	-	483,367	483,367
Trust funds and deposits		-	-	-	190,840	190,840
<b>Total financial liabilities</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>674,207</b>	<b>674,207</b>
<b>Net financial assets (liabilities)</b>		<b>1,401,476</b>	<b>9,331,948</b>	<b>-</b>	<b>8,436,147</b>	<b>19,169,571</b>

**Note 34 Financial Instruments (cont.)**

**(b) Fair Value**

The aggregate net fair values of financial assets and financial liabilities, both recognised and unrecognised, at balance date are as follows:

Financial Instruments	Total carrying amount as per Balance Sheet		Aggregate net fair value	
	2020 \$	2019 \$	2020 \$	2019 \$
<b>Financial assets</b>				
Cash and cash equivalents	11,222,003	10,473,798	11,222,003	10,473,798
Trade and other receivables	224,839	259,626	224,839	259,626
Investment in water corporation	7,071,048	9,110,354	7,071,048	9,110,354
<b>Total financial assets</b>	<b>18,517,890</b>	<b>19,843,778</b>	<b>18,517,890</b>	<b>19,843,778</b>
<b>Financial liabilities</b>				
Trade and other payables	535,057	483,367	535,057	483,367
Trust funds and deposits	146,499	190,840	146,499	190,840
<b>Total financial liabilities</b>	<b>681,556</b>	<b>674,207</b>	<b>681,556</b>	<b>674,207</b>

**(c) Credit Risk**

The maximum exposure to credit risk at balance date in relation to each class of recognised financial asset is represented by the carrying amount of those assets as indicated in the Statement of Financial Position.

**(d) Risks and mitigation**

The risks associated with our main financial instruments and our policies for minimising these risks are detailed below.

**Market risk**

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. Council's exposures to market risk are primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk. Components of market risk to which we are exposed are discussed below.

**Interest rate risk**

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Interest rate risk arises from interest bearing financial assets and liabilities that we use. Non derivative interest bearing assets are predominantly short term liquid assets. Our interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes us to fair value interest rate risk.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1993*. We manage interest rate risk by adopting an investment policy that ensures:

- conformity with State and Federal regulations and standards,
- capital protection,
- appropriate liquidity,
- diversification by credit rating, financial institution and investment product,
- monitoring of return on investment,
- benchmarking of returns and comparison with budget.

Maturity will be staggered to provide for interest rate variations and to minimise interest rate risk.

#### Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in our Statement of Financial Position. To help manage this risk:

- we have a policy for establishing credit limits for the entities we deal with;
- we may require collateral where appropriate; and
- we only invest surplus funds with financial institutions which have a recognised credit rating specified in our Investment policy.

Credit risk arises from Council's financial assets, which comprise cash and cash equivalents, and trade and other receivables. Council's exposure to credit risk arises from potential default of the counterparty, with a maximum exposure equal to the carrying amount of these instruments. Exposure at balance date is addressed in each applicable policy note. Council generally trades with recognised, creditworthy third parties, and as such collateral is generally not requested, nor is it Council's policy to securitise its trade and other receivables.

It is Council's policy that some customers who wish to trade on credit terms are subject to credit verification procedures including an assessment of their credit rating, financial position, past experience and industry reputation.

In addition, receivable balances are monitored on an ongoing basis with the result that Council's exposure to bad debts is not significant.

Council may also be subject to credit risk for transactions which are not included in the Statement of Financial Position, such as when we provide a guarantee for another party.

#### Credit quality of contractual financial assets that are neither past due nor impaired

	Financial Institutions (AAA credit rating)	Government agencies (BBB credit rating)	Other (min BBB credit rating)	Total
<b>2020</b>				
Cash and cash equivalents	11,222,003	-	-	11,222,003
<b>Total contractual financial assets</b>	<b>11,222,003</b>	<b>-</b>	<b>-</b>	<b>11,222,003</b>
<b>2019</b>				
Cash and cash equivalents	10,473,798	-	-	10,473,798
<b>Total contractual financial assets</b>	<b>10,473,798</b>	<b>-</b>	<b>-</b>	<b>10,473,798</b>

#### Movement in Provisions for Impairment of Trade and Other Receivables

	2020 \$	2019 \$
Balance at the beginning of the year	6,029	6,029
New Provisions recognised during the year	-	-
<b>Balance at end of year</b>	<b>6,029</b>	<b>6,029</b>

#### Ageing of Trade and Other Receivables

At balance date other debtors representing financial assets were past due but not impaired. These amounts relate to a number of independent customers for whom there is no recent history of default. The ageing of the Council's Trade and Other Receivables was:

	2020 \$	2019 \$
Current (not yet due)	40,359	43,934
Past due by up to 30 days	2,386	82,274
Past due between 31 and 180 days	13,584	2,521
Past due between 181 and 365 days	5,761	120
Past due by more than 1 year	-	-
<b>Total Trade &amp; Other Receivables</b>	<b>62,090</b>	<b>128,849</b>

**Liquidity risk**

Liquidity risk includes the risk that, as a result of our operational liquidity requirements:

- we will not have sufficient funds to settle a transaction on the date;
- we will be forced to sell financial assets at a value which is less than what they are worth; or
- we may be unable to settle or recover a financial asset at all.

To help reduce these risks we:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Councils exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The table below lists the contractual maturities for Financial Liabilities

These amounts represent the discounted cash flow payments (ie principal only).

2020	6 mths or less	6-12 months	1-2 years	Contracted Cash Flow	Carrying Amount
	\$	\$	\$	\$	\$
Trade and other payables	535,057	-	-	-	535,057
Trust funds and deposits	146,499	-	-	-	146,499
<b>Total financial liabilities</b>	<b>681,556</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>681,556</b>

2019	6 mths or less	6-12 months	1-2 years	Contracted Cash Flow	Carrying Amount
	\$	\$	\$	\$	\$
Trade and other payables	483,367	-	-	-	483,367
Trust funds and deposits	190,840	-	-	-	190,840
<b>Total financial liabilities</b>	<b>674,207</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>674,207</b>

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the Council believes the following movements are 'reasonably possible' over the next 12 months (Base rates are sourced from Reserve Bank of Australia):

- A parallel shift of +1% and -2% in market interest rates (AUD) from year-end rates of 4.4%.

The table below discloses the impact on net operating result and equity for each category of financial instruments held by Council at year-end, if the above movements were to occur.

		Interest rate risk			
		-2 %		+1%	
		-200 basis points		+100 basis points	
		Profit	Equity	Profit	Equity
2019		\$	\$	\$	\$
<b>Financial assets:</b>					
Cash and cash equivalents	11,222,003	(224,440)	(224,440)	112,220	112,220
Trade and other receivables	224,839	(4,497)	(4,497)	2,248	2,248

		Interest rate risk			
		-2 %		+1%	
		-200 basis points		+100 basis points	
		Profit	Equity	Profit	Equity
2018		\$	\$	\$	\$
<b>Financial assets:</b>					
Cash and cash equivalents	10,473,798	(209,476)	(209,476)	104,738	104,738
Trade and other receivables	259,626	(5,193)	(5,193)	2,596	2,596

Note 35 Events occurring after balance date

- (a) No matters have occurred after balance date that warrant disclosure in this report.

**Note 36 Related party transactions**

**(i) Responsible Persons**

Names of persons holding the position of a Responsible Person at the Council at any time during the year are:

**Councillors** Councillor Loueen Triffitt (Mayor)  
Councillor James Alwright (Deputy Mayor)  
Councillor Anthony Bailey  
Councillor Robert Cassidy  
Councillor Jim Poore  
Councillor Julie Honner  
Councillor Anthony Archer  
Councillor Scott Bowden  
Councillor Anita Campbell

**General Manager** Lyn Eyles  
**Senior Managers** Adam Wilson  
Jason Branch  
Graham Rogers

**(ii) Councillor Remuneration**

**2020**

**Short term employee benefits**

	Allowances	Vehicles	Total Compensation AASB 124	Expenses <sup>1</sup>	Total allowances and expenses section 72
	\$	\$	\$	\$	\$
Mayor	33,148	-	33,148	525	33,673
Deputy Mayor	19,468	-	19,468	3,021	22,489
Councillors	66,299	-	66,299	7,624	73,923
<b>Total</b>	<b>118,915</b>	<b>-</b>	<b>118,915</b>	<b>11,170</b>	<b>130,085</b>

**2019**

**Short term employee benefits**

	Allowances	Vehicles	Total Compensation AASB 124	Expenses <sup>1</sup>	Total allowances and expenses section 72
	\$	\$	\$	\$	\$
Mayor	32,192	-	32,192	2,178	34,370
Deputy Mayor	18,853	-	18,853	2,762	21,615
Councillors	63,247	-	63,247	6,516	69,763
<b>Total</b>	<b>114,292</b>	<b>-</b>	<b>114,292</b>	<b>11,456</b>	<b>125,748</b>

<sup>1</sup> Section 72(1)(b) of the Local Government Act 1993 requires the disclosure of expenses paid to Councillors.



(iii) Key Management Personnel Remuneration

2020	Remuneration band	Number of employees	Short term employee benefits			Post employment benefits		Total
			Salary <sup>1</sup>	Vehicles <sup>2</sup>	Other Allowances and Benefits <sup>3</sup>	Superannuation <sup>4</sup>	Non-monetary Benefits <sup>5</sup>	
			\$	\$	\$	\$	\$	\$
	\$100 001 - \$120 000	2	170,046	28,043	-	16,034	4,608	218,731
	\$140 001 - \$170 000	2	227,463	29,598	5,000	24,743	24,708	311,512
	<b>Total</b>		<b>397,509</b>	<b>57,641</b>	<b>5,000</b>	<b>40,777</b>	<b>29,316</b>	<b>530,243</b>

2019	Remuneration band	Number of employees	Short term employee benefits			Post employment benefits		Total
			Salary <sup>1</sup>	Vehicles <sup>2</sup>	Other Allowances and Benefits <sup>3</sup>	Superannuation <sup>4</sup>	Non-monetary Benefits <sup>5</sup>	
			\$	\$	\$	\$	\$	\$
	\$100 001 - \$120 000	2	165,865	28,610	-	15,136	(3,921)	205,690
	\$130 001 - \$160 000	2	227,298	29,803	5,000	23,853	18,675	304,629
	<b>Total</b>		<b>393,163</b>	<b>58,413</b>	<b>5,000</b>	<b>38,989</b>	<b>14,754</b>	<b>510,319</b>

1 Gross Salary includes all forms of consideration paid and payable for services rendered, compensated absences during the period and salary sacrifice amounts.

2 Includes total cost of providing and maintaining vehicles provided for private use, including registration, insurance, fuel and other consumables, maintenance cost and parking (including notional value of parking provided at premises that are owned or leased and fringe benefits tax).

3 Other benefits includes all other forms of employment allowances (excludes reimbursements such as travel, accommodation or meals), payments in lieu of leave, and any other compensation paid and payable.

4 Superannuation means the contribution to the superannuation fund of the individual. Superannuation benefits for members of a defined benefit scheme were calculated at 0% of employees' gross income.

5 Other non-monetary benefits include annual and long service leave movements.

(iv) Remuneration Principles

**Councillors**

Councillors are entitled to an allowance based on the number of voters in the Local Government area (LGA) and the revenue of the council.

Councillors are also entitled to reimbursement for telephone, travel, child care and other expenses in accordance with the council's policy.

**Executives**

The employment terms and conditions of senior executives are contained in individual employment contracts and prescribe total remuneration, superannuation, annual and long service leave, vehicle and salary sacrifice provisions. In addition to their salaries, Council also provides non-cash benefits and contributes to post-employment superannuation plans on their behalf.

The performance of each senior executive, including the General Manager, is reviewed annually which includes a review of their remuneration package. The terms of employment of each senior executive, including the General Manager, contain a termination clause that requires the senior executive or Council to provide a minimum notice period of up to 3 months prior to termination of the contract. Whilst not automatic, contracts can be extended.

(v) Transactions with related parties

During the period Council entered into the following transactions with related parties.

Nature of the transaction	Amount of the transactions during the year	Outstanding balances, including commitments at year end	Terms and conditions
Supply of gravel <sup>1</sup>	\$52,609	Council owes \$5,913	30-day terms on invoices

1 Council purchased gravel during the year from a company which has a member of Council's KMP as a director. Amounts were billed based on normal rates for such supplies and were due and payable under normal payment terms.

In accordance with s84(2)(b) of the *Local Government Act 1993*, no interests have been notified to the General Manager in respect of any body or organisation with which the Council has major financial dealings.

(vi) Transactions with related parties that have not been disclosed

Most of the entities and people that are related parties of council live and operate within the municipality. Therefore, on a regular basis ordinary citizen transactions occur between Council and its related parties. Some examples include:

- Payment of rates on a primary residence
- Dog registration
- Use of Council's swimming pool

Council has not included these types of transaction in its disclosure, where they are made on the same terms and conditions available to the general public.

**Note 37 Other significant accounting policies and pending accounting standards**

**(a) Taxation**

Council is exempt from all forms of taxation except Fringe Benefits Tax, Payroll Tax and the Goods and Services Tax.

*Goods and services tax (GST)*

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the Statement of Cash Flows on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

**(b) Impairment of non-financial assets**

At each reporting date, Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the Statement of Comprehensive Income, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation reserve in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset. For non-cash generating assets of Council such as roads, drains, public buildings and the like, value in use is represented by the deprival value of the asset approximated by its written down replacement cost.

**(c) Allocation between current and non-current**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next twelve months, being Council's operational cycle, or if Council does not have an unconditional right to defer settlement of a liability for at least 12 months after the reporting date.

**(d) Financial guarantees**

Financial guarantee contracts are recognised as a liability at the time the guarantee is issued. The liability is initially measured at fair value, and if there is material increase in the likelihood that the guarantee may have to be exercised, at the higher of the amount determined in accordance with AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* and the amount initially recognised less cumulative amortisation, where appropriate. In the determination of fair value, consideration is given to factors including the probability of default by the guaranteed party and the likely loss to Council in the event of default.

**(e) Contingent assets, contingent liabilities and commitments**

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

Commitments are not recognised in the Statement of Financial Position. Commitments are disclosed at their nominal value inclusive of the GST payable.

**(f) Budget**

The estimated revenue and expense amounts in the Statement of Other Comprehensive Income represent revised budget amounts and are not audited.

Note 37 Other significant accounting policies and pending accounting standards (cont)

(g) Adoption of new and amended accounting standards

In the current year, Council has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board that are relevant to its operations and effective for the current annual reporting period. These include:

(i) AASB 15 Revenue from Contracts with Customers and AASB 1058 Income of Not-for-Profit Entities (continued)

AASB 15 introduces a five-step process for revenue recognition, with the core principle of the new standard being for entities to recognise revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration (that is, payment) to which the entity expects to be entitled in exchange for those goods or services.

The impact of the new standard has changed in the timing of revenue recognition, treatment of contracts costs and contracts which contain a financing element. Under the new income recognition model applicable to not-for-profit entities, Council determines whether an enforceable agreement exists and whether the promises to transfer goods or services to the customer are 'sufficiently specific'. If an enforceable agreement exists and the promises are 'sufficiently specific' (to a transaction or part of a transaction), Council applies the general AASB15 principles to determine the appropriate revenue recognition. If these criteria are not met, Council considers whether AASB1058 applies.

Impairment of financial assets

AASB 1058 supersedes all the income recognition requirements relating to council, previously in AASB 1004 Contributions. The timing of income recognition under AASB 1058 depends on whether a transaction gives rise to a liability or other performance obligation, or a contribution by owners, related to an asset (such as cash or another asset) received.

AASB 1058 applies when Council receives volunteer services or enters into other transactions in which the consideration to acquire an asset is significantly less than the fair value of the asset, and where the asset is principally to enable Council to further its objectives. In cases where Council enters into other transactions, Council recognises and measures the asset at fair value in accordance with the applicable Australian Accounting Standard (e.g. AASB 116 Property, Plant and Equipment).

If the transaction is a transfer of a financial asset to enable Council to acquire or construct a recognisable non-financial asset to be controlled by council (i.e. an in-substance acquisition of a non-financial asset), Council recognises a liability for the excess of the fair value of the transfer over any related amounts recognised. Council will recognise income as it satisfies its obligations under the transfer, similarly to income recognition in relation to performance obligations under AASB 15 as discussed above.

Council has elected to measure a class of right-of-use assets arising under 'peppercorn (Concessionary) leases' at initial recognition at cost, in accordance with AASB 16.23-25, which incorporates the amount of initial measurement of the lease liability.

AASB 1058 also encompasses non-contractual statutory income such as rates, taxes and fines. Council previously recognised income when received. Under AASB 1058, income is recognised when the taxable event has occurred. An impact for Council is that prepaid rates received prior to the beginning of a rating period, has now been recognised as a financial liability until the commencement of that rating period. The impact to Council has been that revenue previously recognised when received from Rates and charges in advance as disclosed in note 5, is now recorded as a liability, with revenue deferred until the commencement of the applicable rating period.

For further details on individual revenue streams refer to their accompanying policy note.

The tables below highlight the impact of adopting AASB 15 and AASB 1058 on the Statement of Comprehensive income and Statement of Financial Position. There was no material impact on Council's Statement of Cash Flows.

Statement of Comprehensive Income (Extract)	Reference	Note	Amounts under AASB 118 & 1004	Adjustment	Amounts under AASB 15 & 1058
<b>Recurrent income</b>			\$	\$	\$
Rates and charges		5	3,629,488	(86,943)	3,542,545
Capital grants		8	2,676,615	(9,035)	2,667,580
<b>Current assets</b>					
Other assets					
<b>Current liabilities</b>					
Other liabilities				95,978	95,978
<b>Equity</b>					
Accumulated surplus			32,077,737	(95,978)	31,981,759
1	Prepaid rates received prior to the beginning of a rating period, are now held as a financial liability until the commencement of statutory rating period at which point Council recognises rate income.				
2	For grant funding where specific performance obligations are yet to be completed to acquire, construct or upgrade a recognisable non-financial asset, Council recognises a liability until obligations are fulfilled.				

**Note 37 Other significant accounting policies and pending accounting standards (cont)**

**(g) Adoption of new and amended accounting standards (continued)**

**(ii) AASB 16 Leases**

AASB 16 introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. A lessee is required to recognise a right-of-use asset representing its right to use the underlying leased asset and a lease liability representing its obligations to make lease payments.

For short-term leases (lease term of 12 months or less) and leases of low-value assets (such as tablet and personal computers, small items of office furniture and telephones), Council has opted to recognise a lease expense on a straight-line basis as permitted by AASB 16. This expense is presented within 'other expenses' in profit or loss.

Council has leases that are short-term leases and leases of low-value asset and will not be recognising a right-of-use asset.

**(h) Pending Accounting Standards**

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2020 reporting periods. Council's assessment of the impact of the relevant new standards and interpretations is set out below.

**(i) AASB 2017-5 Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Correction, applicable to annual reporting periods beginning on or after 1 January 2022.**

The amendments address an acknowledge inconsistency between the requirements in AASB10, and those in AASB128 (2011) in dealing with the sale or contribution of assets between an investor and its associate or joint venture.

The main consequence of the amendments is that a full gain or loss is recognised when a transaction involves a business (whether it is housed in a subsidiary or not). A partial gain or loss is recognised when a transaction involves assets that do not constitute a business, even if these assets are housed in a subsidiary.

Adoption of AASB 2017-5 is not expected to have any impact on council.

All other Australian accounting standards and interpretations with future effective dates are either not applicable to Council's activities, or have no material impact.

**Note 38 Significant Business Activities**

The operating capital and competitive neutrality costs of the Council's significant business activities:

	Hamilton and Bothwell Camping Grounds	
	2020	2019
<b>Revenue</b>	\$	\$
User Charges	17,295	26,498
<b>Total Revenue</b>	<b>17,295</b>	<b>26,498</b>
<b>Expenditure</b>		
<i>Direct</i>		
Employee Costs	691	164
Materials and Contacts	1,293	5,431
Utilities	1,458	3,372
<i>Indirect</i>		
Engineering & Administration	138	33
<b>Total Expenses</b>	<b>3,580</b>	<b>9,000</b>
<i>Notional cost of free services received</i>		
<i>Capital Costs</i>		
Depreciation	545	545
Opportunity cost of capital	1,575	2,632
<b>Total Capital Costs</b>	<b>2,120</b>	<b>3,177</b>
<i>Competitive neutrality adjustments</i>		
Rates, water and land tax	6,549	8,667
	<b>6,549</b>	<b>8,667</b>
<i>Calculated Surplus/(Deficit)</i>	5,046	5,654
Tax Equivalent rate	30%	30%
Taxation equivalent	1,514	1,696
<b>Competitive neutrality costs</b>	<b>8,063</b>	<b>10,363</b>

**Accounting policy**

**Significant business activities**

Council is required to report the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the Council. Council's disclosure is reconciled above. Council has determined, based upon materiality that Camping Grounds as defined above are considered significant business activities. Competitive neutrality costs include notional costs i.e. income tax equivalent, rates and loan guarantees.

Note	39	Management indicators	Benchmark	2020 \$	2019 \$	2018 \$	2017 \$
	(a)	<b>Underlying surplus or deficit</b>					
		Net result for the year		911,198	170,660	691,941	2,750,742
		Less non-operating income					
		Capital grants		651,546	211,847	611,721	1,423,755
		FAGs in advance		37,359	60,054	(2,104)	1,193,201
		Insurance claims		-	-	-	75,607
		Contributions - non monetary assets		-	44,500	-	-
		Add non-operational expenses					
		Flood/Fire damage		17,761	33,246	-	62,043
		Landfill restoration provision		-	100,000	-	-
		Planning appeal		46,690	135,788	-	-
		Underlying surplus/deficit	0	286,744	123,293	82,324	120,222

The intent of the underlying result is to show the outcome of a council's normal or usual day to day operations.  
Good result in the past four years.

(b)	<b>Underlying surplus ratio</b>						
	<u>Underlying surplus or deficit</u>		286,744	123,293	82,324	120,222	
	Recurrent income*		7,089,567	7,187,977	6,858,954	6,625,422	
	Underlying surplus ratio %	0%	4.0%	1.7%	1.2%	1.8%	

This ratio serves as an overall measure of financial operating effectiveness.  
Good result in the past four years.

(c)	<b>Net financial liabilities</b>						
	Liquid assets less		11,446,842	10,733,424	10,362,432	9,784,299	
	total liabilities		2,058,874	1,649,806	1,553,890	1,290,698	
	Net financial asset	0	9,387,968	9,083,618	8,808,542	8,493,601	

This measure shows whether Council's total liabilities can be met by its liquid assets. An excess of total liabilities over liquid assets means that, if all liabilities fell due at once, additional revenue would be needed to fund the shortfall.

Good result in all years.

(d)	<b>Net financial liabilities ratio</b>						
	<u>Net financial liabilities</u>		9,387,968	9,083,618	8,808,542	8,493,601	
	Recurrent income*		7,089,567	7,187,977	6,858,954	6,625,422	
	Net financial liabilities ratio %	0% - (50%)	132%	126%	128%	128%	

This ratio indicates the net financial obligations of Council compared to its recurrent income.  
Good result in all years.

(e) **Asset renewal funding ratio**

An asset renewal funding ratio has been calculated in relation to each asset class required to be included in the long-term strategic asset management plan of Council.

	<i>Transport Infrastructure</i>						
	<u>Projected capital funding outlays**</u>		1,440,000	1,871,000	1,500,000	1,836,856	
	Projected capital expenditure funding***		1,340,000	1,540,000	1,500,000	1,533,000	
	Asset renewal funding ratio %	90-100%	107%	121%	100%	120%	

\*\* Current value of projected capital funding outlays for an asset identified in Council's long-term financial plan.

\*\*\* Value of projected capital expenditure funding for an asset identified in Council's long-term strategic asset management plan.

This ratio measures Council's capacity to fund future asset replacement requirements.  
Good result in all years.

Note	39	Management indicators (cont.)	2020 \$	2019 \$	2018 \$	2017 \$	0
	(f)	<b>Asset consumption ratio</b>					
		An asset consumption ratio has been calculated in relation to each asset class required to be included in the long-term strategic asset management plan of Council.					
		<i>Roads</i>					
		<u>Depreciated replacement cost</u>	60,550,890	59,498,431	59,931,818	59,737,055	
		Current replacement cost	78,206,073	76,314,943	75,630,314	75,079,685	
		Asset consumption ratio %	60%	77.4%	78.0%	79.2%	79.6%
		<i>Buildings</i>					
		<u>Depreciated replacement cost</u>	5,163,469	5,194,121	5,107,130	4,945,474	
		Current replacement cost	5,818,043	5,724,616	5,522,171	5,252,310	
		Asset consumption ratio %	60%	88.7%	90.7%	92.5%	94.2%
		<i>Drainage</i>					
		<u>Depreciated replacement cost</u>	1,004,906	1,021,207	1,037,210	1,023,359	
		Current replacement cost	1,630,154	1,630,154	1,630,154	1,600,301	
		Asset consumption ratio %	60%	61.6%	62.6%	63.6%	63.9%
		<i>Bridges</i>					
		<u>Depreciated replacement cost</u>	8,217,756	7,816,227	7,983,719	8,153,378	
		Current replacement cost	16,114,517	15,240,097	15,254,656	15,229,656	
		Asset consumption ratio %	60%	51.0%	51.3%	52.3%	53.5%
		<i>Footpaths and Cycleways</i>					
		<u>Depreciated replacement cost</u>	933,572	904,106	956,926	1,000,954	
		Current replacement cost	2,789,021	2,706,735	2,706,735	2,697,767	
		Asset consumption ratio %	60%	33.5%	33.4%	35.4%	37.1%
		<i>Other infrastructure assets</i>					
		<u>Depreciated replacement cost</u>	785,361	792,889	784,846	673,535	
		Current replacement cost	1,578,811	1,522,089	1,441,213	1,263,750	
		Asset consumption ratio %	60%	49.7%	52.1%	54.5%	53.3%
		This ratio measures Council's capacity to fund future asset replacement requirements.					
	(g)	<b>Asset sustainability ratio</b>					
		<u>Capex on replacement/renewal of existing assets</u>	1,786,424	992,581	2,328,571	2,581,980	
		Annual depreciation expense	2,121,424	2,124,957	2,089,464	2,115,960	
		Asset sustainability ratio %	100%	84.2%	46.7%	110.9%	122.0%
		This ratio calculates the extent to which Council is maintaining operating capacity through renewal of their existing asset base.					
		Good results in 2020, 2018 and 2017. Significantly below benchmark in 2019 due to major upgrades taking priority to convert gravel roads to sealed.					

	Capital renewal expenditure	Capital new/upgrade expenditure	Total Capital Expenditure
By asset class	\$	\$	\$
Buildings	30,000	36,417	66,417
Land	-	-	0
Plant, machinery and equipment	348,012	-	348,012
Fixtures, fittings and furniture	0	11,508	11,508
Computers	9,368	3,900	13,268
Roads	906,748	707,921	1,614,669
Footpaths, kerbs and gutters	351	-	351
Drainage	-	4,669	4,669
Other infrastructure	86,122	16,686	102,808
Bridges	405,823	-	405,823
<b>Total</b>	<b>1,786,424</b>	<b>781,101</b>	<b>2,567,525</b>

**Note 40 Fair Value Measurements**

Council measures and recognises the following assets at fair value on a recurring basis:

- Investment in water corporation
- Property, infrastructure plant and equipment
  - Land
  - Buildings, including footpaths & cycleways
  - Roads
  - Bridges
  - Other infrastructure

Council does not measure any liabilities at fair value on a recurring basis.

**(a) Fair Value Hierarchy**

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a level in the fair value hierarchy as follows:

Level 1	Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.
Level 2	Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.
Level 3	Unobservable inputs for the asset or liability.

The table below shows the assigned level for each asset and liability held at fair value by the Council. The table presents the Council's assets and liabilities measured and recognised at fair value at 30 June 2020.

The fair values of the assets are determined using valuation techniques which maximise the use of observable data, where it is available, and minimise the use of entity specific estimates. If one or more of the significant inputs is not based on observable market data, the asset is included in level 3. This is the case for Council infrastructure assets, which are of a specialist nature for which there is no active market for similar or identical assets. These assets are valued using a combination of observable and unobservable inputs.

**As at 30 June 2020**

	Note	Level 1 \$	Level 2 \$	Level 3 \$	Total \$
<b>Recurring fair value measurements</b>					
Investment in water corporation	18	-	-	7,071,048	7,071,048
Land	23	-	3,401,816	-	3,401,816
Buildings	23	-	5,163,469	-	5,163,469
Land under roads	23	-	1,111,124	-	1,111,124
Roads, including footpaths & cycleways	23	-	-	61,484,462	61,484,462
Bridges	23	-	-	8,217,756	8,217,756
Drainage	23	-	-	1,004,906	1,004,906
Other Infrastructure	23	-	-	785,361	785,361
		-	<b>9,676,409</b>	<b>78,563,533</b>	<b>88,239,942</b>

**As at 30 June 2018**

	Note	Level 1 \$	Level 2 \$	Level 3 \$	Total \$
<b>Recurring fair value measurements</b>					
Investment in water corporation	18	-	-	9,110,354	9,110,354
Land	23	-	3,401,816	-	3,401,816
Buildings	23	-	5,194,121	-	5,194,121
Land under roads	23	-	957,396	-	957,396
Roads, including footpaths & cycleways	23	-	-	60,402,537	60,402,537
Bridges	23	-	-	7,816,227	7,816,227
Drainage	23	-	-	1,021,207	1,021,207
Other Infrastructure	23	-	-	792,889	792,889
		-	<b>9,553,333</b>	<b>79,143,214</b>	<b>88,696,547</b>

There were no transfers between levels 1 and 2 during the year, nor between levels 2 and 3.

**(b) Highest and best use**

All assets valued at fair value in this note are being used for their highest and best use.

**(c) Valuation techniques and significant inputs used to derive fair values**



Note 40 Fair Value Measurements (cont.)

**Investment in water corporation**

Refer to Note 18 for details.

**Land and buildings**

Valuation of land (excluding land under roads) and buildings was undertaken by the Valuer-General in 2014-15. The valuation of buildings is at fair value based on current replacement cost less accumulated depreciation at the date of valuation. The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions.

While the unit rates based on square metres can be supported by market evidence (level 2), the estimates of residual value and useful life that are used to calculate accumulated depreciation comprise unobservable inputs (level 3). Where these other inputs are significant to the valuation the overall valuation has been classified as level 3. The table at (d) below summarises the effect that changes in the most significant unobservable inputs would have on the valuation.

**Land under roads**

Land under roads valuation is based on unit rate per hectare provided by the Valuer General through the Department of Primary Industries, Parks Water and Environment as at 1/7/19.

**Infrastructure assets**

All Council infrastructure assets are fair valued using written down current replacement cost. This valuation comprises the asset's current replacement cost (CRC) less accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset. Council first determined the gross cost of replacing the full service potential of the asset and then adjusted this amount to take account of the expired service potential of the asset.

CRC was measured by reference to the lowest cost at which the gross future economic benefits of the asset could currently be obtained in the normal course of business. The resulting valuation reflects the cost of replacing the existing economic benefits based on an efficient set of modern equivalent assets to achieve the required level of service output.

The level of accumulated depreciation for infrastructure assets was determined based on the age of the asset and the useful life adopted by Council for the asset type. Estimated useful lives and residual values are disclosed in Note 23.

The calculation of DRC involves a number of inputs that require judgement and are therefore classed as unobservable. While these judgements are made by qualified and experienced staff, different judgements could result in a different valuation. The table at (d) below summarises the effect that changes in the most significant unobservable inputs would have on the valuation.

The methods for calculating CRC are described under individual asset categories below.

**Roads, including footpaths & cycleways**

A full valuation of roads and footpaths was undertaken by independent valuers, Moloneys Asset Management Systems, effective October 2014. The values were determined using current replacement costs which resulted in a reduction in fair value. Previous valuations were based on historical cost plus indexation. A new valuation and assessment will be undertaken in 2020/21.

**Note 40 Fair Value Measurements (cont.)**

CRC is based on the road area multiplied by a unit price; the unit price being an estimate of labour and material inputs, services costs, and overhead allocations. For internal construction estimates, material and services prices are based on existing supplier contract rates or supplier price lists and labour wage rates are based on Council's Enterprise Bargaining Agreement (EBA). Where construction is outsourced, CRC is based on the average of completed similar projects over the last few years.

**Bridges**

A full valuation of bridge assets was undertaken by independent valuers, AusSpan, effective 2020. Each bridge is assessed individually and componentised into sub-assets representing the deck and sub-structure. The valuation is based on the material type used for construction and the deck and sub-structure area.

Consistent with roads, Council assumes that environmental factors such as soil type, climate and topography are consistent across each segment and that a segment is designed and constructed to the same standard and uses a consistent amount of labour and materials.

**Other Infrastructure**

Other infrastructure is not deemed to be significant in terms of Council's Statement of Financial Position.

**(d) Unobservable inputs and sensitivities**

Asset / liability category*	Carrying amount (at fair value)	Key unobservable inputs *	Expected range of inputs	Description of how changes in inputs will affect the fair value
Roads	\$ 60,550,890	Unit replacement cost per sqm	from \$9/sqm (unsealed) up to \$40/sqm (sealed)	The higher the unit cost, the higher the fair value
		Useful life	Refer Note 1e	The longer the useful life, the higher the fair value
Bridges	\$ 8,217,756	Useful life	Refer Note 1e	The longer the useful life, the higher the fair value
Investment in Water Corporation	\$ 7,071,048	Useful life	Refer Note 1e	The longer the useful life, the higher the fair value
Buildings	\$ 5,163,469	Useful life	Refer Note 1e	The longer the useful life, the higher the fair value

**(e) Valuation processes**

Council's current policy for the valuation of property, infrastructure, plant and equipment, investment in water corporation and investment property (recurring fair value measurements) is set out in notes 18 and 23.

Non-recurring fair value measurements are made at the point of reclassification by a registered valuer.

**(f) Assets and liabilities not measured at fair value but for which fair value is disclosed**

Council does not have assets and liabilities which are not measured at fair value.

The carrying amounts of trade receivables and trade payables are assumed to approximate their fair values due to their short-term nature (Level 2).

**Note 41 Material budget variations**

Council's original budget was adopted by the Council on 19 June 2019. The original projections on which the budget was based have been affected by a number of factors. These include State and Federal Government decisions including new grant programs, changing economic activity, the weather, and by decisions made by the Council. Material variations of more than 10% are explained below:

**Revenues**

**(i) User fees**

The amount over budget of \$119,352 (57%) was due mainly to increased planning fees and receipt of 137 Certificate property sales.

**(ii) Interest**

Revenue income was down \$47,963 on budget (28%) due to lower than expected bank interest rates available.

**(iii) Other income**

The increase of \$28,916 on budget (14%) was due mainly to private works done by council.

**(iv) Investment revenue from water corporation**

Dividend revenue was down \$51,000 on budget (46%) due to Covid19 remissions.

**(iv) Grants**

The variation for capital grants was down \$72,454 on budget (10%) due to the adoption of new accounting standards AASB 15 which deferred the receipting of grants until they are utilised.

**Expenses**

**(i) Other expenses**

The decrease of \$234,408 on budget (10%) was due to a reduction in community support and donations and reduced payroll tax due to covid19 remissions.

**(ii) Materials and services**

An increase on budget of \$134,363 (10%) was due to a combination of events. The increase in activity from user fees, private works and unbudgeted operating grants also incurred additional costs which were unknown at the time of setting the budget.

### Certification of the Financial Report

The financial report presents fairly the financial position of the Central Highlands Council as at 30 June 2020 and the results of its operations and cash flows for the year then ended, in accordance with the Local Government Act 1993 (as amended), Australian Accounting Standards and other authoritative pronouncements issued by the Australian Accounting Standards Board.



Lyn Eyles  
General Manager

Date : 04-January-2021