



# AGENDA ATTACHMENTS

17<sup>TH</sup> SEPTEMBER 2019

ORDINARY COUNCIL MEETING  
HAMILTON COUNCIL CHAMBERS

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# Central Highlands Council

## DRAFT Minutes – ORDINARY MEETING – 20<sup>th</sup> August 2019

**Draft Minutes of an Open Ordinary Meeting of Central Highlands Council held at Bothwell Council Chambers, on Tuesday 20<sup>th</sup> August 2019, commencing at 9am.**

### 1.0 OPENING

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 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer (arrived at 9.15am), Cllr A 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, arrived at 10.08am) and Mrs Michaela Herbert (Minutes Secretary).

### 3.0 APOLOGIES

Mr Laurie Costello- Bothwell Tourism Association

### 4.0 PECUNIARY INTEREST DECLARATIONS

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

NIL

### 5.0 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 Closed Session Minutes of the Meeting held on 16 July 2019	15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
2	Receival of the Draft Plant Committee Minutes of 5 August 2019	15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
3	Tenders for Plant Purchases	Regulation 15 (2)(d)) contracts, and tenders, for the

		supply of goods and services and their terms, conditions, approval and renewal
4	Application for Leave of Absence	Regulation 15 (2)(h) – applications by councillors for a leave of absence
5	Confidential Report from the General Manager	15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition 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

**CARRIED BY ABSOLUTE MAJORITY****FOR the Motion:**

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

*Mrs Michaela Herbert left the meeting at 9.03am.*

**5.1 MOTION OUT OF CLOSED SESSION**

**Moved:** Cllr J Honner

**Seconded:** Cllr J Poore

**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 Closed Session Minutes of the ordinary meeting held on 16 July 2019	Minutes were confirmed
2	Receival of the Draft Plant Committee Minutes of 5 August 2019	Draft Minutes were received
3	Tenders for Plant Purchases	Council resolved to: <ol style="list-style-type: none"> <li>(a) Purchase a water cart unit from Sprayer Barn;</li> <li>(b) Accept the tender from Komatsu for a Komatsu WA 280 PZ Wheel Loader;</li> <li>(c) Accept the tender from W.B. &amp; B.P. Triffitt for the purchase of the Caterpillar Loader PM666;</li> <li>(d) Accept the quote from Hobart Dealership Pty Ltd for the purchase of a Nissan X-Trail 4WD DSL TS with trade-in of the Nissan X-Trail H22TZ; and</li> <li>(e) Accept the quote from Hobart Dealership Pty Ltd for the purchase of a Nissan X-Trail 4WD DSL TS</li> </ol>
4	Application for leave of Absence – Cllr Poore	Application for Leave of Absence was granted to Cllr Poore
5	Confidential Report from General Manager	Council noted the contents of the report and the Mayor to disseminate information on Council's progress in seeking a GP
6	Consideration of Matters for Disclosure to the Public	Matters were considered



**CARRIED BY ABSOLUTE MAJORITY****FOR the Motion:**

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

**OPEN MEETING TO PUBLIC**

The meeting opened to the public at 10.08am.

**6.0 DEPUTATIONS**

This item was discussed later in the meeting.

**6.1 PUBLIC QUESTION TIME**

**NIL**

**7.0 MAYORAL COMMITMENTS**

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
17 <sup>th</sup> July 2019	Business of Council Meeting with Rate Payer
18 <sup>th</sup> July 2019	Business of Council Meeting with Rate Payers x 2
19 <sup>th</sup> July 2019	Business of Council Meeting with Tasmania Police
20 <sup>th</sup> July 2019	Meeting with Minister Ferguson
21 <sup>st</sup> July 2019	Business of Council
22 <sup>nd</sup> July 2019	GM & GP Practice meeting
23 <sup>rd</sup> July 2019	Meeting with Rate payer Meeting with Tas Police GP Practice Meeting
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
26 <sup>th</sup> July 2019	Opening of Hamilton Street Library
29 <sup>th</sup> July 2019	Eastern Shore Medical Practice Meeting
30 <sup>th</sup> July 2019	Bothwell Medical Centre Meeting
31 <sup>st</sup> July 2019	Huonville Medical Practice meeting
1 <sup>st</sup> August 2019	Business of Council;
7 <sup>th</sup> August 2019	Business of Council
8 <sup>th</sup> August 2019	Halls Island Pty Ltd Lake Malbena Tribunal
9 <sup>th</sup> August 2019	Halls Island Pty Ltd Lake Malbena Tribunal
12 <sup>th</sup> August 2019	Business of Council
13 <sup>th</sup> August 2019	Planning Committee Meeting – Bothwell Aboriginal Heritage Workshop 21 <sup>st</sup> Century Council's Workshop Bothwell Medical Centre TV Interview On Site Bothwell Public Amenities Inspection
14 <sup>th</sup> August 2019	Business of Council

**NOTED**

## 7.1 COUNCILLOR COMMITMENTS

### Deputy Mayor J Allwright

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
31 <sup>st</sup> July 2019	Westerway Bush Watch Meeting
2 <sup>nd</sup> August 2019	Sound System Acceptance – Bothwell
13 <sup>th</sup> August 2019	Planning Committee Meeting – Bothwell
	Aboriginal Heritage Workshop – Bothwell
	21 <sup>st</sup> Century Councils Workshop – Bothwell

### Clr A Archer

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
5 <sup>th</sup> August 2019	Plant Committee Meeting – Hamilton

### Clr A Bailey

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
26 <sup>th</sup> July 2019	Opening of Hamilton Street Library
5 <sup>th</sup> August 2019	Plant Committee Meeting – Hamilton

### Clr S Bowden

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
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### Clr A Campbell

25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
5 <sup>th</sup> August 2019	Health and Wellbeing Meeting, Bothwell, with Lyn Eyles, Tracey Turale and Faye Robinson
13 <sup>th</sup> August 2019	Aboriginal Heritage Act Workshop – Bothwell
	21st Century Council's Workshop – Bothwell
14 <sup>th</sup> August 2019	Meeting at Ash Cottage to discuss HATCH projects and programs
19 <sup>th</sup> August 2019	Ordinary HATCH meeting, Bothwell

### Clr R Cassidy

2 <sup>nd</sup> July 2019	Dedication of firefighting equipment by West Tamar Council and provide photographic support for CHC with Mayor Triffitt – Bothwell
9 <sup>th</sup> July 2019	Planning Committee Meeting & Planning Scheme Workshop – Bothwell
16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
26 <sup>th</sup> July 2019	Hamilton Community Street Library dedication and photography for CHC
2 <sup>nd</sup> August 2019	Acceptance from RAW and Bothwell Tourism Association of a Yamaha PA/Sound System with Deputy Mayor Jim Allwright
13 <sup>th</sup> August 2019	Planning Committee Meeting and Workshop afterward

### Clr J Honner

16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
4 <sup>th</sup> August 2019	Information Day – Steppes Hall
13 <sup>th</sup> August 2019	Aboriginal heritage workshop

### Clr J Poore

3 <sup>rd</sup> June 2019	Audit Panel Meeting – Hamilton
	Meeting at Central Highlands Visitor & Information Centre
7 <sup>th</sup> June 2019	Budget Workshop – Hamilton
11 <sup>th</sup> June 2019	Planning Committee Meeting – Bothwell
18 <sup>th</sup> June 2019	Ordinary Council Meeting – Bothwell
24 <sup>th</sup> June 2019	Installation of equipment at the Visitors Centre
9 <sup>th</sup> July 2019	Planning Committee Meeting and Workshop – Bothwell
11 <sup>th</sup> July 2019	Central Highlands Visitors Centre Management Committee Meeting
16 <sup>th</sup> July 2019	Ordinary Council Meeting – Hamilton
25 <sup>th</sup> July 2019	Planning Scheme Workshop – Bothwell
31 <sup>st</sup> July 2019	Organise removal and relocation of furniture items at Visitors Centre
	Pick up Replacement Table for Visitors Centre in Glenorchy
4 <sup>th</sup> August 2019	Windfarm information day at the Steppes

5 <sup>th</sup> August 2019	Visitors Centre with Deputy General Manager to inspect Alarm System
13 <sup>th</sup> August 2019	Planning Meeting – Bothwell Local Government Workshop – Bothwell
20 <sup>th</sup> August 2019	Ordinary Council Meeting – Bothwell

**NOTED****7.2 GENERAL MANAGER'S COMMITMENTS**

16 <sup>th</sup> July 2019	Ordinary Council Meeting
22 <sup>nd</sup> July 2019	Meeting City Doctors Meeting Dr Geoff Chapman
23 <sup>rd</sup> July 2019	Meeting Dr Gardner
25 <sup>th</sup> July 2019	Planning Workshop
29 <sup>th</sup> July 2019	Meeting Eastern Shore Doctors
30 <sup>th</sup> July 2019	Meeting Kylie Baxter
31 <sup>st</sup> July 2019	Meeting Professor Bastian Seidel
5 <sup>th</sup> August 2019	Health & Wellbeing Meeting Plant Committee meeting Meeting Dr Mary Lumsden
8 <sup>th</sup> -9 <sup>th</sup> August 2019	Wild Drake Appeal Hobart
13 <sup>th</sup> August 2019	Council Workshop
14 <sup>th</sup> August 2019	Meeting Mayor & Rachel Power
15 <sup>th</sup> August 2019	Meeting Health Recruitment Plus
19 <sup>th</sup> August 2019	Council Workshop – State Growth

**NOTED****7.3 DEPUTY GENERAL MANAGER'S COMMITMENTS**

17 <sup>th</sup> July 2019	Local Government WHS network Group Meeting
26 <sup>th</sup> July 2019	Opening of the New Community Street Library Hamilton Inn, Post Office
31 <sup>st</sup> July 2019	Meeting with Lynden Leppard Local Government Association of Tasmania
2 <sup>nd</sup> August 2019	Southern Region Social Recovery Committee Meeting
5 <sup>th</sup> August 2019	Plant Committee Meeting Local Government Shared Services Meeting
6 <sup>th</sup> August 2019	Committee Meeting of Trout Guides and Lodges Tasmania Inc.
8 <sup>th</sup> August 2019	Emergency Management Workshop
13 <sup>th</sup> August 2019	Council Workshop
15 <sup>th</sup> August 2019	Local Government Legislation Reform Session
16 <sup>th</sup> August 2019	Tourism Project Meeting
19 <sup>th</sup> August 2019	Health and Wellbeing Grant Application Meeting
20 <sup>th</sup> August 2019	Council Meeting

**NOTED****8.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD**

Planning Scheme Workshop – Held at the Bothwell Council Chambers on the 25<sup>th</sup> of July 2019

Council Workshop – Information Session for Councillors on the Statutory Review of the Aboriginal Heritage Act held at Bothwell on the 13<sup>th</sup> August 2019

Council Workshop- 21<sup>st</sup> Century Councils held at Bothwell on the 13<sup>th</sup> August 2019.

Council Workshop – State Growth Road Safety - 19 August 2019

**NOTED**

## 8.1 FUTURE WORKSHOPS

Council Workshop – Local Government Legislation Reform – 10<sup>th</sup> September 2019

Emergency Management Workshop – 10<sup>th</sup> September 2019

**NOTED**

## 9.0 MAYORAL ANNOUNCEMENTS

## 10.0 MINUTES

### 10.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

**Moved:** Clr J Honner

**Seconded:** Clr S Bowden

**THAT** the Draft Minutes of the Open Council Meeting of Council held on Tuesday 16<sup>th</sup> July 2019 be received.

**CARRIED**

**FOR the Motion:**

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

### 10.2 CONFIRMATION OF MINUTES ORDINARY MEETING

**Moved:** Clr S Bowden

**Seconded:** Clr A Archer

**THAT** the Minutes of the Open Council Meeting of Council held on Tuesday 16<sup>th</sup> July 2019 be confirmed.

**CARRIED**

**FOR the Motion:**

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

*Mr Graham Rogers (Manager of Development & Environmental Services) entered the meeting at 10.15am.*

## 8.1 FUTURE WORKSHOPS

Council Workshop – Local Government Legislation Reform – 10<sup>th</sup> September 2019 held at the Bothwell Council Chambers

Emergency Management Workshop – 10<sup>th</sup> September 2019 held at the Bothwell Council Chambers

**NOTED**

*Mr Graham Rogers left the meeting at 10.18am.*

### 10.3 RECEIVAL DRAFT OF CENTRAL HIGHLANDS VISITOR CENTRE MANAGEMENT COMMITTEE MEETING

**Moved:** Clr J Poore

**Seconded:** Clr J Honner

**THAT** the Minutes of the Central Highlands Visitor Centre Management Committee meeting held on Thursday 11<sup>th</sup> July 2019 be received.

**CARRIED**

**FOR the Motion:**

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

### 10.4 RECEIVAL DRAFT MINUTES PLANNING COMMITTEE MEETING

**Moved:** Deputy Mayor J Allwright

**Seconded:** Clr A Bailey

**THAT** the Draft Minutes of the Planning Committee Meeting held on Tuesday 13<sup>th</sup> August 2019 be received.

**CARRIED**

**FOR the Motion:**

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

### 11.0 BUSINESS ARISING

- 13.0 Accountant to review the interest rates on investments
- 14.1 Correspondence sent to applicant by Development & Environmental Services
- 14.2 Correspondence sent to applicant by Development & Environmental Services
- 14.3 Correspondence sent to parties by Development & Environmental Services
- 14.4 Manager Development & Environmental Services investigating opportunities
- 14.5 Fees remitted
- 15.1 Correspondence sent to Kingborough Anglers Association by Deputy General Manager
- 15.1 Correspondence sent by Mayor to State Growth
- 16.2 Correspondence sent by Deputy General Manager
- 16.3 Correspondence sent by Deputy General Manager
- 16.9 Donation provided to Royal Flying Doctor Service Tasmania
- 16.11 MOU signed
- 16.12 Correspondence to be sent by Deputy General Manager in September
- 16.13 Item deferred to August Ordinary Meeting of Council
- 16.14 Correspondence sent by Deputy General Manager
- 17.1 Environmental Health Officer to report to August Ordinary Meeting of Council

### NOTED

### 12.0 DERWENT CATCHMENT PROJECT REPORT

**Moved:** Clr A Campbell

**Seconded:** Deputy Mayor J Allwright

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

**CARRIED**

**FOR the Motion:**

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

### 13.0 FINANCE REPORT

**Moved:** Clr J Poore

**Seconded:** Clr S Bowden

**THAT** the Finance Report be received.

**CARRIED**

**FOR the Motion:**

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

*It was noted that Brock Watkins should be nominated for the Junior Australian Day Awards for 2020.*

### 14.0 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 R Cassidy

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

**CARRIED**

**FOR the Motion:**

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

*Mr Graham Rogers returned to the meeting at 10.23am  
Ms Jacqui Tyson (Contract Planner) entered the meeting at 10.23am*

### MOVE TO ITEM 14.2 DA2019/13: SUBDIVISION (3 LOTS): 3 VICTORIA VALLEY ROAD, OUSE

**Moved:** Clr A Bailey

**Seconded:** Clr A Campbell

**THAT** Council move to item 14.2 DA2019/13: SUBDIVISION (3 LOTS): 3 VICTORIA VALLEY ROAD, OUSE.

**CARRIED**

**FOR the Motion:**

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

## 14.2 DA2019/13: SUBDIVISION (3 LOTS): 3 VICTORIA VALLEY ROAD, OUSE

**Moved:** Cllr A Bailey

**Seconded:** Deputy Mayor J Allwright

**THAT** In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/13 for subdivision (3 lots) at 2 Victoria Valley Road, Ouse, subject to conditions in accordance with the Recommendation.

### **Recommended Conditions**

#### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

#### *Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### *Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

#### *Public Open Space*

- 5) As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 1 and 2 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer in order to determine the amount payable.

#### *Final plan*

- 6) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 7) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 8) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 9) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

### **The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED**

### **FOR the Motion:**

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

### 14.3 DA2019/17: SUBDIVISION (REORGANISATION OF BOUNDARIES): 6 & 8 TARLETON, HAMILTON

**Moved:** Cllr J Honner

**Seconded:** Cllr A Bailey

**THAT** in accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/17 for subdivision (reorganisation of boundaries) at 6 & 8 Tarleton Street, Hamilton, subject to conditions in accordance with the Recommendation.

#### **Recommended Conditions**

##### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

##### *Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

##### *Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

##### *Final plan*

- 5) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 6) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 8) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

#### **The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED**

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

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

*Mrs Juliette Smith and Mr Wayne Doran entered the meeting at 10.31am.*



#### 14.4 DA2019/45: SUBDIVISION (BOUNDARY REORGANISATION) OF 2 TITLES: 7561A & CT130056/1 HIGHLAND LAKES ROAD, MIENA

**Moved:** Clr J Poore

**Seconded:** Clr A Campbell

**THAT** In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/45 for subdivision (boundary reorganisation) of 2 titles at 7561A & CT130056/1 Highland Lakes Road, Miena, subject to conditions in accordance with the Recommendation.

#### **Recommended Conditions**

##### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

##### *Services*

- 3) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

##### *Subdivision*

- 4) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

##### *Final plan*

- 5) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 6) A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 8) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

#### **The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED**

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

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

#### 14.5 DA2019/43: NEW DWELLING & CHANGE OF USE (EXISTING DWELLING TO VISITOR ACCOMMODATION): 5987 LYELL HIGHWAY, HAMILTON

**Moved:** Cllr R Cassidy

**Seconded:** Cllr A Bailey

**THAT** in accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/43 for a new dwelling and change of use of an existing dwelling to Visitor accommodation at 5967 Lyell Highway, Hamilton, subject to conditions in accordance with the Recommendation.

#### **Recommended Conditions**

##### *General*

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

##### *Approved Use*

- 3) Once the new dwelling is occupied the approved *Visitor accommodation* must be used for that purpose only. It must not be used for any other purpose, including as a residential dwelling, or be extended or intensified without prior Council approval.

##### *Exterior finishes*

- 4) All external metal building surfaces of the new dwelling must be clad in non-reflective pre-coated metal sheeting or painted in a colour with a light reflectance value not exceeding 40% and to the satisfaction of the General Manager.

##### *Stormwater*

- 5) Drainage from the proposed development must be retained on site or drain to a legal discharge point to the satisfaction of Council's Permit Authority and in accordance with any requirements of the *Building Act 2016*.

##### *Services*

- 6) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

##### *Access*

- 7) The areas set-aside for parking, access and vehicle manoeuvring:
  - a. Must provide for a vehicle to enter and leave the site in a forward direction.
  - b. The driveway access must be located over existing tracks or along natural contours to reduce visual impact through excavation and filling and erosion from water run-off.
  - c. Have an all-weather pavement constructed and surfaced to the satisfaction of Council's Works Manager.
  - d. Incorporate suitable drainage to avoid erosion and run-off.

##### *Protection of Water Quality*

- 8) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Planning Officer before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 9) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Planning Officer.
- 10) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing Permit issued by the Permit Authority.

##### *Construction Amenity*

- 11) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:
  - Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.

- 12) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - The transportation of materials, goods and commodities to and from the land.
  - Obstruction of any public roadway or highway.
  - Appearance of any building, works or materials.
  - Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 13) The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Works and Technical Services.

**The following advice applies to this permit:**

- This permit does not imply that any other approval required under any other legislation has been granted.
- If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED**

**FOR the Motion:**

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

**14.6 DA2019/06: SUBDIVISION – 16 LOTS IN 6 STAGES: CT 27874/1 AND 6 BANNISTER ROAD, TODS CORNER**

**Moved:** Cllr R Cassidy

**Seconded:** Deputy Mayor J Allwright

**THAT** Council defer this item until the meeting held in September.

**CARRIED**

**FOR the Motion:**

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

*Cllr J Poore left the meeting at 10.37am and returned at 10.38am.*

**14.7 STATUORY REVIEW OF THE ABORIGINAL HERITAGE ACT 1975**

**NOTED**

**14.8 WAYATINAH TOILET BLOCK**

**Moved:** Cllr J Honner

**Seconded:** Cllr J Poore

**THAT** the Manager Development & Environmental Services meet with Michael Watkins from Hydro Tasmania to discuss option and possible financial assistance for upgrading works.

**CARRIED**

**FOR the Motion:**

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

*Mr Damien Mackey entered the meeting at 10.48am.*

## 14.9 SOLAR POWER ON COUNCIL BUILDINGS: ELECTRICITY REVIEW

**Moved:** Clr A Archer

**Seconded:** Clr R Cassidy

**THAT** Council:

- a) *Change retailer to 1<sup>st</sup> energy; and*
- b) *Change existing lighting to high efficiency LED*

**CARRIED**

### **FOR the Motion:**

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

## MOVE TO ITEM 6.0 DEPUTATIONS

**Moved:** Clr R Cassidy

**Seconded:** Clr A Campbell

**THAT** Council move to Item 6.0 DEPUTATIONS.

**CARRIED**

### **FOR the Motion:**

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

*Ms Jacqui Tyson and Mr Damien Mackey left the meeting at 10.56am.*

## 6.0 DEPUTATIONS

10.56am Juliet Smith – President of the Bothwell International Highlands SpinIN and Fibre Festival discussed the new members of the committee and the future of the SpinIN event.

*Juliette thanked the Manager of Works & Services and also the other staff members for their tireless work and help throughout the SpinIN when issues had occurred.*

Laurie Costello - Tourism Association was an apology for this meeting.

**RESOLVED THAT** Council discuss item 16.1 BOTHWELL INTERNATIONAL HIGHLANDS SPININ AND FIBRE FESTIVAL

## 16.1 BOTHWELL INTERNATIONAL HIGHLANDS SPININ AND FIBRE FESTIVAL

**NOTED**

*Mrs Juliette Smith and Mr Wayne Doran left the meeting at 11.12am*

## MOVE TO ITEM 14.10 DRAFT WASTE ACTION PLAN JUNE 2019

**Moved:** Clr J Honner

**Seconded:** Clr S Bowden

**THAT** Council move to Item 14.10 DRAFT WASTE ACTION PLAN JUNE 2019.

**CARRIED**

**FOR the Motion:**

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

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*Mr Damien Mackey, Ms Jacqui Tyson and Mr Graham Rogers returned to the meeting at 11.13am.*

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## 14.10 DRAFT WASTE ACTION PLAN JUNE 2019

**Moved:** Clr J Honner

**Seconded:** Clr J Poore

**THAT** Submissions on the plan are open until the 7<sup>th</sup> October 2019. Please read the action plan (attached) and the questions they are asking (in blue) in relation to the plan and forward your comments to me prior to the 7<sup>th</sup> October. I am happy to put together a submission for your review and send off at the appropriate time.

**CARRIED**

**FOR the Motion:**

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

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*Deputy Mayor J Allwright left the meeting at 11.18am and returned at 11.19am.*

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*Clr A Bailey declared that he was a member of the Bothwell Football Club committee.*

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## 14.11 BOTHWELL FOOTBALL CLUB & COMMUNITY CENTRE SECURITY

**RESOLVED THAT** this item be discussed at the next Bothwell Football Club and Community Centre Management committee meeting and bring a recommendation to Council.

## 14.12 BOTWHELL PUBLIC TOILETS, MARKET PLACE, BOTHWELL

**Moved:** Clr J Poore

**Seconded:** Clr S Bowden

**THAT** the DES Manager investigate options for the area around the Bothwell Caravan Park and bring this item to the Ordinary Meeting of Council in September.

**CARRIED**

**FOR the Motion:**

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

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## 14.13 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
2019 / 00048	D Quigley	25 Esplanade, Cramps Bay	Garage
2019 / 00049	K H Cooke	371 Tods Corner Road, Tods Corner	Dwelling Addition
2019 / 00053	Triffett Holdings Pty Ltd	56 Woodmoor Road, Ouse	Farm Shed
2019 / 00055	J Faulkner (obo I Badcock)	20 Johnsons Road, Miena	Garage

#### DISCRETIONARY USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2019 / 00032	C W Queale	6 William Street, Bothwell	Shed
2019 / 00036	J E & G L Herbert	P215 Patrick Street, Bothwell	Farm Sheds x 2
2019 / 00040	T A & S D Wallace	P97A Ellendale Road, Ellendale	Shed
2019 / 00039	G L Huett	14 Reynolds Neck Road, Reynolds Neck	Dwelling Addition
2019 / 00034	Central Highlands Council	6 - 8 Market Place, Bothwell	Replace 2 Signs with 1 New Sign
2019 / 00046	D G White (obo S G Chaffey)	Meadow Bank Road, Meadowbank	Addition to Existing Building

#### **NOTED**

### **MOVE TO ITEM 14.1 ENDORSEMENT OF THE DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE FOR SUBMISSION TO THE TASMANIAN PLANNING COMMISSION**

**Moved:** Clr J Honner

**Seconded:** Clr A Bailey

**THAT** Council move to item 14.1 ENDORSEMENT OF THE DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE FOR SUBMISSION TO THE TASMANIAN PLANNING COMMISSION.

**CARRIED**

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

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

*Clr J Poore left the meeting at 11.31am and returned at 11.32am.  
Mr Jason Branch entered the meeting at 11.39am.*

## 14.1 ENDORSEMENT OF THE DRAFT CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE FOR SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

**Moved:** Clr R Cassidy

**Seconded:** Clr A Campbell

### THAT:

- A. Council certify the enclosed Draft Local Provisions Schedule for Central Highlands Council ("Appendix A" and "Appendix B") of the *Central Highlands Local Provisions Schedule Supporting Report August 2019* as having satisfactorily met the LPS Criteria of Section 34 (2) of *Land Use Planning and Approvals Act 1993* (LUPAA).
- B. Council endorse the enclosed *Central Highlands Local Provisions Schedule Supporting Report (and Appendices) August 2019* ("the Supporting Report") as satisfactorily demonstrating compliance with Section 34 (2) and those matters outlined in this report (and otherwise outlined in the *supporting report* and required by LUPAA).
- C. Council endorse the submission of the Draft Local Provisions Schedule for Central Highlands Council and the *Supporting Report* to the Tasmanian Planning Commission under Section 35(1).
- D. Council delegates to the General Manager & Manager Development and Environmental Services the powers and functions to:
  - a. submit the LPS to the Commission pursuant to Section 35(1) of LUPAA in the form outlined in this and the enclosed report;
  - b. submit the provisions for transition under Schedule 6 of LUPAA to the Minister for Planning;
  - c. modify the LPS if a notice is received from the Commission pursuant to Section 35(5)(b), and advise the Council of any technical modification; and
  - d. seek resolution of Council for modification to any strategic local objectives before proceeding to public exhibition
  - e. exhibit the LPS pursuant to Sections 35B, 35C and 35D;
  - f. Represent the Council at hearings pursuant to Section 35H.
- E. Endorse the Community Consultation as broadly outlined in this report, with details to be finalised at a future Council meeting once the timeframe for TPC / Ministerial endorsement has become clear.
- F. Continue with regular updates and reports to Council and the TPC until such time that the TPC has provided approval for formal public exhibition.

**CARRIED 8 / 1**

### **FOR the Motion:**

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

### **AGAINST the Motion:**

Clr S Bowden

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*Mr Graham Rogers, Mr Damien Mackey and Ms Jacqui Tyson left the meeting at 11.47am.*

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## 15.0 WORKS & SERVICES

**Moved:** Clr J Honner

**Seconded:** Clr R Cassidy

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

**CARRIED**

### **FOR the Motion:**

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

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## 15.1 COMPLETED WORKS- HUNTERSTON BRIDGE

NOTED

**RESOLVED THAT** Council moved to item 17.3 HOBART WHEELERS CYCLING CLUB - CYCLING RACE, ELLENDALE ROAD, SATURDAY 5 OCTOBER

## 17.3 HOBART WHEELERS CYCLING CLUB - CYCLING RACE, ELLENDALE ROAD, SATURDAY 5 OCTOBER

**Moved:** Clr J Poore

**Seconded:** Clr R Cassidy

**THAT** the Manager of Works and Services Manager send a letter to the Hobart Wheelers Cycling Club requesting insurance information and a safety review before approved.

**CARRIED**

**FOR the Motion:**

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

*Mr Jason Branch left the meeting at 11.49am.*

## 16.0 ADMINISTRATION

### 16.1 BOTHWELL INTERNATIONAL HIGHLANDS SPININ AND FIBRE FESTIVAL

This item was discussed earlier in the meeting.

### 16.2 TASMANIAN DEER ADVISORY COMMITTEE INC. – THE WAY FORWARD FOR TASMANIA'S FALLOW DEER

NOTED

*Clr A Archer left the meeting at 11.57am.*

### 16.3 BOTHWELL BI-CENTENARY

**Moved:** Clr R Cassidy

**Seconded:** Clr S Bowden

**THAT** the Central Highlands Visitors Centre Management Committee come back with a plan and costings on the Bothwell Bi-Centenary Mural.

**CARRIED**

**FOR the Motion:**

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



## 16.4 MELTON MOWBRAY COMMUNITY ASSOCIATION INC. - MELTON MOWBRAY RODEO

**Moved:**

**Seconded:**

**RESOLVED THAT** Council do not provide a donation towards the Melton Mowbray Rodeo.

*Clr A Archer returned to the meeting at 12.03pm.*

## 16.5 REQUEST FOR RATES REMISSION

**Moved:** Clr J Poore

**Seconded:** Clr R Cassidy

**THAT** Council remit the Solid Waste Garbage Fee.

**CARRIED**

**FOR the Motion:**

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

## 16.6 BIRDLIFE AUSTRALIA - AUSSIE BACKYARD BIRD COUNT

**NOTED**

## 16.7 BRONTE PARK AMENITIES, SIGNAGE AND INSURANCE

**MOTION 1:**

**Moved:** Clr J Honner

**Seconded:** Clr R Cassidy

**THAT** Council consider placing some temporary toilets near the General Store as a short term solution.

**MOTION LOST 4 / 5**

**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Clr R Cassidy and Clr J Honner

**AGAINST the Motion:**

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

**MOTION 2:**

**Moved:** Clr J Poore

**Seconded:** Clr R Cassidy

**THAT** the DES Manager obtain a full costing report (including maintenance and servicing) for the installation of temporary toilets at the Bronte Park General Store for a period of four months.

**CARRIED**

**FOR the Motion:**

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

*Clr A Bailey left the meeting at 12.09pm.*

## 16.8 REQUEST FOR RATES REMISSION OUSE COUNTRY CLUB 2019/2020

**Moved:** Clr R Cassidy

**Seconded:** Clr J Honner

**THAT** Council:

- a) Grant a remission of \$395.33 being 50% of the general rate on Property No 01-0810-03938; and
- b) Grant a remission of \$562.13 being 50% general rate and total garbage charge on Property No 01-0805-03937

**CARRIED**

**FOR the Motion:**

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

## 16.9 REQUEST FOR RATES REMISSION

**Moved:** Clr J Poore

**Seconded:** Clr S Bowden

**THAT** Council remit the rates on property 04-0017-03967 for the amount of \$528.17

**CARRIED**

**FOR the Motion:**

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

*Clr A Bailey returned to the meeting at 12.12pm.*

## 16.10 ADOPTION OF REVIEWED PLANT REPLACEMENT ESTIMATES

**Moved:** Clr J Poore

**Seconded:** Clr A Campbell

**THAT** under Section 82 (4) of the Local Government Act 1993, Council by Absolute Majority adopt the reviewed Plant Replacement estimates as presented.

**CARRIED**

**FOR the Motion:**

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

## 16.11 DONATED PA SYSTEM

**Moved:** Clr R Cassidy

**Seconded:** Clr J Honner

**THAT** Council re-located the PA system to the Bothwell Football Club and Community Centre, however it can be hired out to other community groups and Council for public functions in accordance with Council's hiring policy.

**CARRIED**

**FOR the Motion:**

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

## 16.12 HIGHLANDS DIGEST

**NOTED**

## 16.13 TENDER FOR FRESH VALUATION OF THE CENTRAL HIGHLANDS MUNICIPALITY

**Moved:** Clr J Honner

**Seconded:** Deputy Mayor J Allwright

**THAT** Council appoint the Deputy General Manager as the nominee for the Office of the Valuer General Tender Committee and that the General Manager be appointed the proxy nominee for the Office of the Valuer General Tender Committee.

**CARRIED**

**FOR the Motion:**

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

## 16.14 AFAC INDEPENDENT OPERATIONAL REVIEW, A REVIEW OF THE MANAGEMENT OF THE TASMANIAN FIRES OF DECEMBER 2018 – MARCH 2019

**Moved:** Clr A Archer

**Seconded:** Clr J Honner

**THAT** Council defer this item until the Ordinary Meeting of Council held in September.

**CARRIED**

**FOR the Motion:**

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

## 16.15 HEALTH AND WELLBEING PLAN

**NOTED**

## 16.16 STATUTORY REVIEW OF THE ABORIGINAL HERITAGE ACT 1975

**Moved:** Clr A Archer

**Seconded:** Clr J Honner

**THAT** any further comments be provided to the Mayor by Monday the 26 August 2019, so that the Mayor, General Manager and Deputy General Manager can draft the submissions that will be tabled at the 17 September 2019 Council Meeting for approval.

**CARRIED**

**FOR the Motion:**

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

## 17.0 SUPPLEMENTARY AGENDA ITEMS

**Moved:** Clr A Bailey

**Seconded:** Clr A Campbell

**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 Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

## 17.1 REQUEST FOR RATES REMISSION

**Moved:** Clr J Poore

**Seconded:** Clr S Bowden

**THAT** Council remit 50% of the General Rate and Solid Waste Charge on property 01-0805-02805 \$364.71.

**CARRIED**

**FOR the Motion:**

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

## 17.2 LGAT STATEWIDE GENERAL MEETING - WASTE FEASIBILITY STUDY

**Moved:** Clr A Archer

**Seconded:** Clr R Cassidy

**THAT** Council is not supportive of a state-wide waste feasibility study without Government Financial support.

**CARRIED**

**FOR the Motion:**

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

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### 17.3 HOBART WHEELERS CYCLING CLUB - CYCLING RACE, ELLENDALE ROAD, SATURDAY 5 OCTOBER

This item was discussed earlier in the meeting.

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### 17.4 LAKES SORELL AND CRESCENT WATER MANAGEMENT PLAN REVIEW

**Moved:** Clr A Campbell

**Seconded:** Clr J Honner

**THAT** Council appoint Councillor Archer as the nominee for the Consultative Group that will support the review of the Lakes Sorell and Crescent Water Management Plan (2005).

**CARRIED**

**FOR the Motion:**

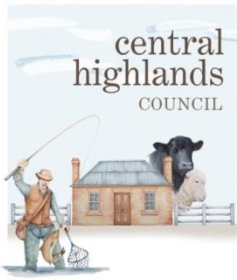
Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

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### 18.0 CLOSURE

Mayor L Triffitt closed the meeting at 12.45pm.

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**MINUTES OF THE PLANNING COMMITTEE MEETING  
OF THE CENTRAL HIGHLANDS COUNCIL HELD  
IN THE BOTHWELL COUNCIL CHAMBERS  
AT 9.00AM ON TUESDAY 10<sup>th</sup> SEPTEMBER 2019**

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**1.0 PRESENT**

Clr Allwright (Chairperson), Mayor Triffitt, Clr Cassidy & Clr Bailey (Proxy)

**IN ATTENDANCE**

Mrs L Eyles (General Manager), Ms J Tyson (Senior Planning Officer) & Mrs K Bradburn (Minutes Secretary)

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**2.0 APOLOGIES**

Clr Poore

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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 Cassidy**

Seconded **Clr Bailey**

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13<sup>th</sup> August 2019 to be confirmed.

***Carried***

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

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**5.0 QUESTION TIME & DEPUTATIONS**

Nil

**6.0 DA2019/56: SUBDIVISION – REORGANISATION OF BOUNDARIES – 2 TITLES:  
'DUNROBIN' ELLENDALE ROAD, OUSE**

**Report by**

Jacqui Tyson (Senior Planning Officer)

**Applicant**

Lark & Creese Surveyors

**Owner**

T R Brown

**Discretions**

**26.5.2 (A1) Reorganisation of boundaries**

**Proposal**

The proposal is to reorganise the boundaries of two existing titles located at the junction of Ellendale Road and the Lyell Highway that are part of the Dunrobin property.

The land is used for farming and the existing titles are described as follows:

- CT164996/4 – approximately 51.67ha with frontage to Ellendale Road and bisected by the Lyell Highway, developed with a dwelling; and
- CT169382/1 – 158.7ha, irregular shaped title with a long frontage to Lyell Highway.

Under the proposal, the majority of the land and the existing dwelling and farm buildings will be consolidated in one title with an area of 204ha (Lot 2). Lot 2 will have extensive frontage to the Lyell Highway and around 280m of frontage to Ellendale Road.

The proposed Lot 1 will have an area of 4.4ha and be vacant. Lot 1 will have frontage to Ellendale Road and will adjoin Dunrobin Park on the shore of Meadowbank Lake. It is anticipated that Lot 1 will be developed with a dwelling in the future.

Both lots can be accessed using existing crossovers.

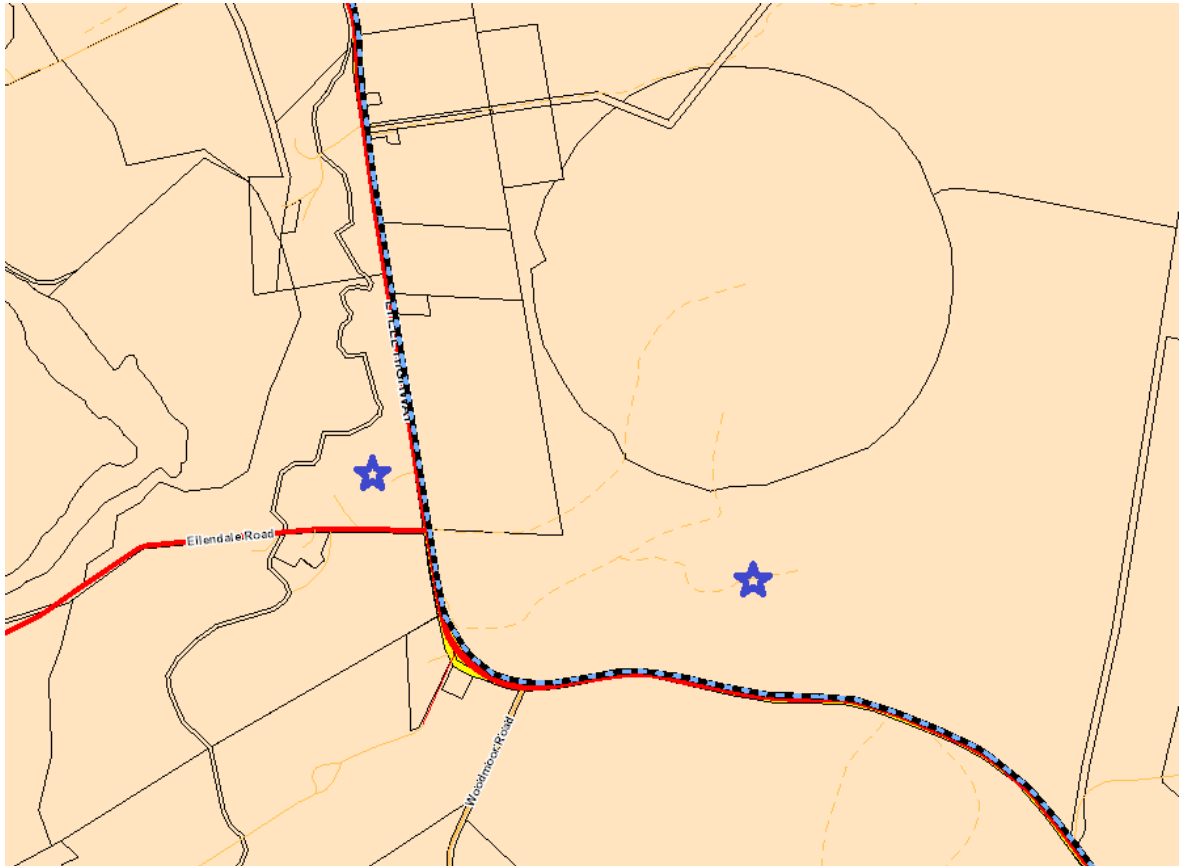
The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Rural Resource Zone, pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

**Subject site and Locality.**

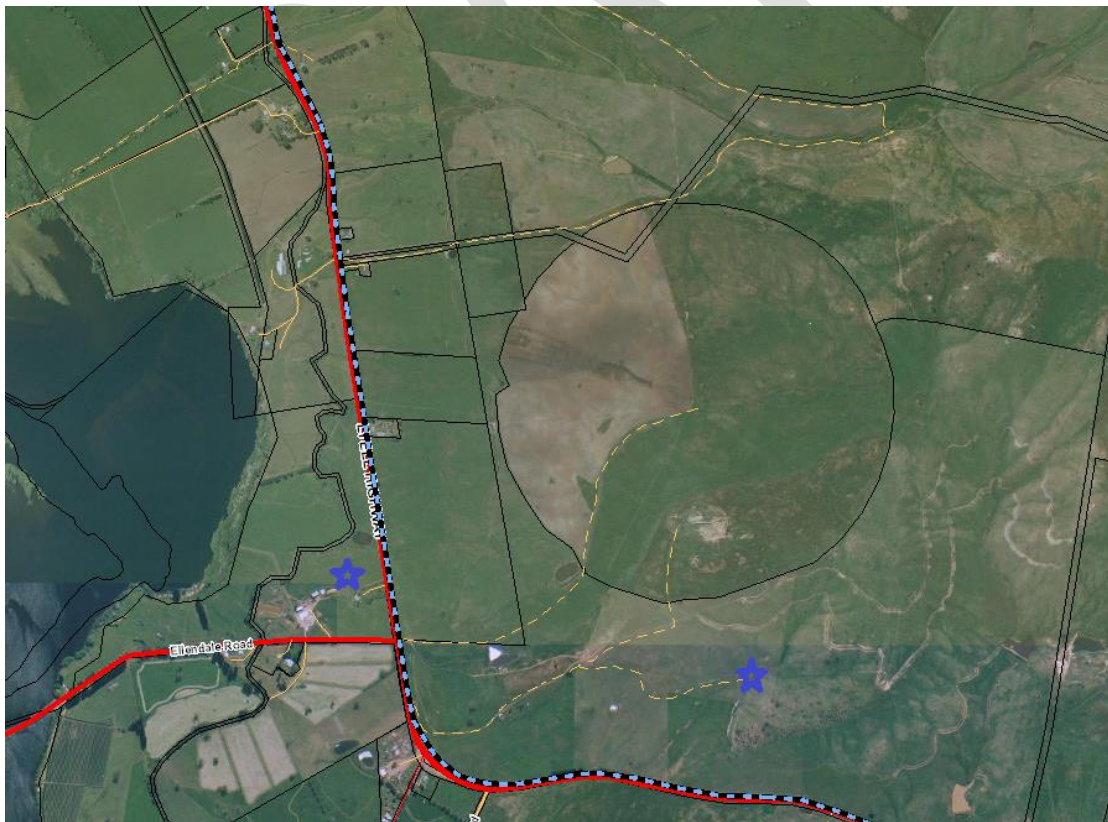
The subject land is part of a large farming property known as Dunrobin, located approximately 6km south of the Ouse settlement.

The land is located on the eastern side of Meadowbank Lake and the Lyell Highway passes through the property.

The locality is largely characterised by irrigated farming land around Meadowbank Lake and the Derwent River, with some remnant light bush on higher ground. The site and surrounding land is zoned Rural Resource.



**Fig 1.** Location and zoning of the subject land (marked by blue stars) in the Rural Resource zone (Cream) (Source: LISTmap).



**Fig 2.** Aerial photo of the subject land and surrounding area, subject land marked with blue points (Source: LISTmap)

### **Exemptions**



Nil

### **Special Provisions**

Nil

### **Use standards**

There are no applicable use standards for subdivision.

### **Rural Resource Zone - Development standards for subdivision**

The subject land is in the Rural Resource Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

<b>26.5.2 Reorganisation of Boundaries</b> To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  A lot is for public open space, a riparian or littoral reserve or utilities.	<b>P1</b>  The reorganisation of boundaries must satisfy all of the following:  (a) all existing lots are adjoining or separated only by a road;  (b) no existing lot was formally a crown reserved road or other reserved land;  (c) provide for the sustainable commercial operation of the land by either:  (i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,  (ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;  (d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;  (e) if containing a dwelling, other	The proposal must be assessed against the Performance Criteria P1 as the lots are not for public open space, a riparian or littoral reserve or utilities.  (a) Complies – the existing lots are adjoining.  (b) Complies – none of the lots were a crown reserved road or other reserved land.  (c) Complies The proposal will consolidate the majority of the land and key agricultural infrastructure including the existing dwelling onto Lot 2, which has the qualities of a primary agricultural lot.  (d) The setbacks to the existing dwelling satisfy the applicable clause.  (e) The land does not contain

	<p>than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3.</p> <p>(iii) not result in a significant increase in demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1ha in size;</p> <p>(ii) have a frontage of no less than 6m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>any additional dwellings.</p> <p>(f) The proposed Lot 1 is vacant. The lot will have an area of 4.4ha and is located at the eastern edge of the land. The land is surplus to the requirements of the primary agricultural lot and contains an area that can accommodate residential development. The proposal will not require any significant increase in demand for public infrastructure or services.</p> <p>(g)</p> <p>(i) Complies – Both lots are larger than 1ha.</p> <p>(ii) Lots 1 and 2 have frontage of over 6m to Ellendale Road and Lot 2 also has frontage to Lyell Highway.</p> <p>(iii) The proposed lots are each serviced by suitable vehicular accesses.</p> <p>(h) There are no Local Area Objectives or Desired Future Character Statements in the Rural Resource zone.</p>
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## **Codes**

### ***E1.0 Bushfire Prone Areas Code***

The land is bushfire prone and the Code applies to all subdivision. As such, a Bushfire Hazard Report from an accredited practitioner has been provided to address the requirements of the Code and demonstrate compliance.

The requirements of the Code are therefore satisfied.

#### ***E5.0 Road and Railway Assets Code***

The proposal is for a boundary reorganisation only and does not include any new accesses or changes to the use of existing accesses.

Further assessment against this Code is not required.

#### ***E11.0 Waterway and Coastal Protection Code:***

Parts of the site around waterways and water bodies are covered by Waterway Protection Areas under the Waterway and Coastal Protection Code.

The Code applies to all development including subdivision, however this proposal meets the exemptions of the code owing to there being no works required within a Waterway Protection Area.

#### **Representations**

The proposal was advertised for the statutory 14 days period from 20<sup>th</sup> August 2019 until 3<sup>rd</sup> September 2019.

No representations were received.

#### **Conclusion**

The proposal for the subdivision (boundary reorganisation) of two titles that are part of the Dunrobin property near Ouse is assessed to comply with the applicable standards of the Rural Resource Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

#### **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/56 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

#### **Options**

The Planning Authority must determine the Development Application DA2019/56 in accordance with one of the following options:

**1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions in accordance with the Recommendation.

**2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

**3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

**RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Clr Bailey**

Seconded **Clr Cassidy**

**THAT** the Planning Committee recommends approval in accordance with Option 1:

**Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions in accordance with the Recommendation.

**Conditions**

**General**

- 1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

**Easements**

- 2) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

**Covenants**

- 3) Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

#### Services

- 4) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### Access

- 5) A vehicle access must be provided from the road carriageway to each lot. Accesses must be located and constructed in accordance with the IPWE Aust. (Tasmania Division) standard drawings, the approved Bushfire Hazard management Report and to the satisfaction of Council's General Manager.

#### Final plan

- 6) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 7) A fee of \$245.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 8) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 9) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

#### **The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

**Carried**

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

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#### **6.1 DA2019/06: SUBDIVISION – 16 LOTS IN 6 STAGES: CT 27874/1 AND 6 BANNISTER ROAD, TODS CORNER**

#### **Report by**

Jacqui Tyson (Senior Planning Officer)

#### **Applicant**

**Owner**

R A & D J Drysdale

**Discretions**

**12.5.1 Subdivision**

**Proposal**

The application is for a subdivision of an 8ha parcel of land at the end of Bannister Road, Tods Corner (CT27874/1) into 16 lots including new roads, over a number of stages.

The final lots will have areas ranging from 1843m<sup>2</sup> to 2.77ha, with the majority of the lots around 2000-3000m<sup>2</sup>. The proposal includes an extension of Bannister Road to the east and creation of two new cul de sacs to the north and south to serve all the lots.

The subdivision includes a section of the neighbouring property at 6 Bannisters Road, in order to achieve sufficient width for frontages in the first stage and the road construction for future stages.

Under the proposal, the subdivision will be staged as follows:

- Stage 1 – Division into 3 large lots (Lot 1 - 2.837ha, Lot 2 - 2.923ha and Lot 3 - 2.269ha and each with frontage to the end of Bannister Road and mutual ROW access;
- Stage 2 – Division of the northern lot (Lot 3) created in Stage 1 into 7 lots (Lots 3-9), with areas between 1843m<sup>2</sup> and 3569m<sup>2</sup> and frontage to the new northern cul de sac road;
- Stage 3 – Division of the southern lot created in Stage 1 into 8 lots (Lot 2 and 10-16), with areas between 2232m<sup>2</sup> and 6368m<sup>2</sup> and frontage to the new southern cul de sac road,

Release of the lots in Stages 2 and 3 may be further staged to respond to market requirements, with up to 6 stages overall. Lot 1 will remain as a large lot as created in Stage 1.

The Development Application is accompanied by documents addressing requirements of the planning scheme including the following:

- Planning statement (PDA);
- Bushfire Assessment Report (Jamie Wood, SEAM, with endorsement from Tasmanian Fire Service);
- Site and soil evaluation (Jamie Wood, SEAM); and
- Natural Values Report (Jim Mulcahy, PDA).

The Site and soil evaluation has assessed the capability of each lot to support an onsite wastewater system. This is important at the subdivision stage in this environment with shallow, rocky soils. The initial assessment required the consolidation of one lot which has been reflected in the final proposal plan.

With regard to Natural Values, the assessment particularly addressed potential impacts on threatened raptors (Wedge-tailed Eagle, White-bellied Sea Eagle and Grey Goshawk) and the threatened Miena Cider Gum (*Eucalyptus gunnii divaricata*). The report did not identify any raptor nests on the property and notes that the nearest recorded nest is in State forest located approximately 4km south west of the site. The standard buffer distances recommended for protection of raptor nests is 1km, so the large separation of the known nest makes it very unlikely that this proposal will impact use of the recorded nest site. The site is identified as suitable foraging habitat for raptor species, however the planning scheme does not provide any protection for this value and it cannot be directly considered in this assessment. However it is noted that there is a large area of reserved land surrounding the site, so the impact of removing this area of habitat may not be as significant in any case.

The final Bushfire Assessment Report has been edited from what was originally submitted as the Tasmanian Fire Service (TFS) required further detail given the complexity of the staging of the subdivision and the relatively high fire risk. The report has now been finalised and endorsed by TFS.

The application has been referred to Councils contract Engineering Officer for consideration and advice regarding conditions.

The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Low Density Residential Zone pursuant to section 12.0 of the Central Highlands Interim Planning Scheme 2015.

### **Subject site and Locality.**

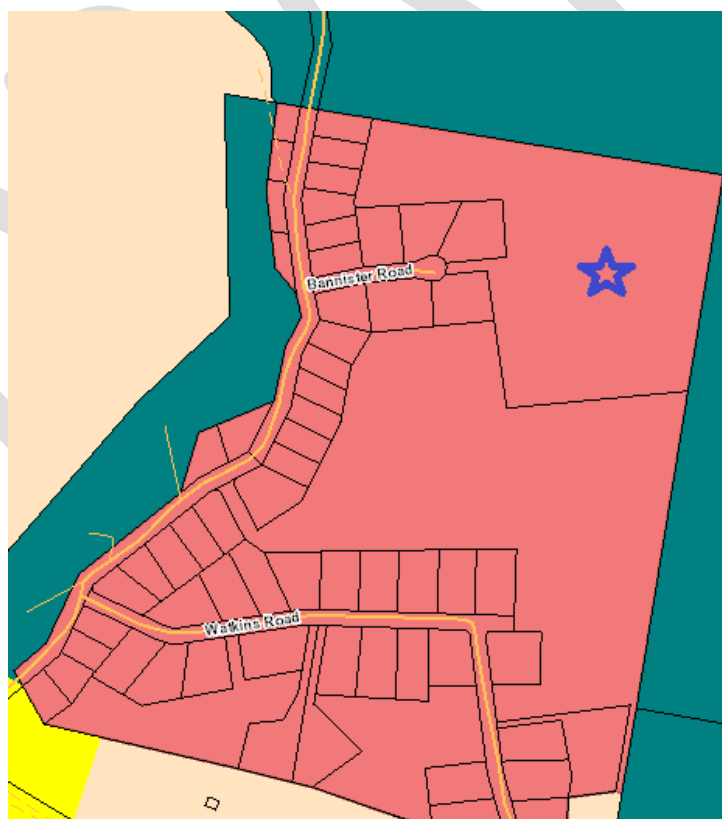
The subject land is a large block of just over 8ha the end of Bannister Road at the north eastern edge of the main Tods Corner settlement. The land has recently been developed with an outbuilding and access driveway.

The proposal also includes some land that is currently part of 6 Bannister Road, located to the south of the access strip of the main title.

The site and surrounds is mostly vegetated with alpine bushland. The main section of the Tods Corner township is south of the site and Great Lake to the west.

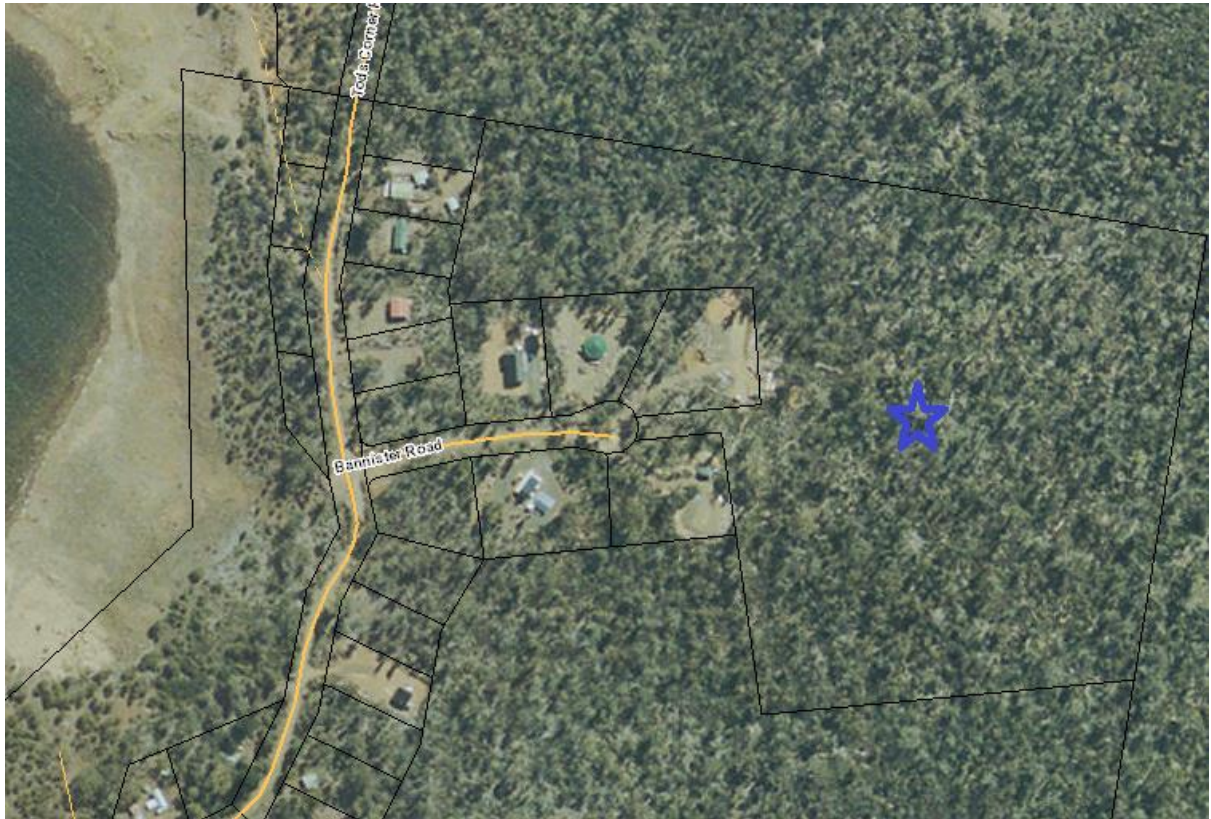
Land to the north and east of the site is largely state owned and managed by Parks and Wildlife in reserves (Great Lake Conservation Area) or by Hydro.

Tods Corner is generally characterised as a lake side settlement with shacks and permanent dwellings.



**Fig 1.** Location and zoning of the subject land (marked by blue star) in the Low Density Residential Zone, with surrounding land in the Rural Resource zone (Cream), Environmental Management Zone (green) and Utilities Zone (yellow). (Source: LISTmap)





**Fig 2.** Aerial photo of the subject land and surrounding area, subject land marked with blue stars (Source: LISTmap)

### Exemptions

Nil

### Special Provisions

Nil

### Use standards

There are no applicable use standards for subdivision.

### Rural Resource Zone - Development standards for subdivision

The subject land is located in the Low Density Residential Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

#### **12.5.1 Lot Design**

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b>  The size of each lot must be in accordance with the	<b>P1</b>  No Performance Criteria.	<i>Table 12.1 specifies that the minimum lot size in the Low Density Residential Zone is 1500m<sup>2</sup>.</i>



<p>following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>as specified in Table 12.1.</p>		<p><i>The proposed lots all exceed 1500m<sup>2</sup> in compliance with the Acceptable Solution.</i></p>
<p><b>A2</b></p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p><b>P2</b></p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) is reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</p> <p>(d) minimises the requirement for earth works, retaining walls, and cut &amp; fill associated with future development;</p>	<p><i>The design and layout of the proposed lots complies with the requirements of Acceptable Solution A2.</i></p>
<p><b>A3</b></p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>30m.</p>	<p><b>P3</b></p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</p> <p>6 m.</p>	<p><i>Each lot in each stage is provided with frontage of at least 6m, to comply with the Performance Criteria.</i></p>
<p><b>A4</b></p> <p>No lot is an internal lot.</p>	<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p>	<p><i>The final subdivision design includes two lots that are internal lots (Lot 1 and Lot 16).</i></p> <p><i>These lots will be accessed from a new road created by the subdivision. The site constraints in terms of topography, rocky ground and bushfire requirements are such that internal lots in this located are a reasonable option to efficiently utilise the zoned land.</i></p> <p><i>The lots are all larger than the minimum lot size and it is</i></p>

	<p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	<p><i>expected that amenity will be reasonable for this zone.</i></p> <p><i>Access to the internal lots will be a minimum of 6m wide and the accesses will be suitably constructed.</i></p>
<p><b>A5</b></p> <p>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p><b>P5</b></p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p><i>The land is vacant so this clause is not relevant.</i></p>

## **Codes**

### ***E1.0 Bushfire Prone Areas Code***

An assessment and Bushfire Hazard Management Plan (BHMP) by a qualified person endorsed by the Tasmanian Fire Service has been provided to address the requirements of this Code.

The report identifies an envelope on each lot at each stage for a hazard management area to provide for BAL 19 level for a habitable dwelling and provides information informing the required construction standard of the new subdivision roads. Suitable access and water supply will also need to be provided on each lot when it is developed.

#### ***E5.0 Road and Railway Assets Code***

The subdivision includes a continuation of Bannister Road and a new road to each side to provide frontage and access for the proposed lots at each stage. Conditions are included below to require detailed engineering design drawings to be submitted to Council prior to construction of the new roads.

Each of the proposed lots will also require a new access from the road, which must be constructed in accordance with the required standard.

#### ***E7.0 Stormwater Management Code***

The proposed lots are large enough to allow for stormwater to be managed onsite.

Detailed design for the stormwater infrastructure for the new roads will be required to be submitted as part of the engineering plans for those works.

#### **Representations**

The proposal was advertised for the statutory 14 days period from 23<sup>rd</sup> May 2019 until 6th June 2019. No representations were received.

#### **Conclusion**

The proposal for a subdivision of 16 lots in 6 stages at Bannister Road, Tods Corner is assessed to comply with the applicable standards of the Low Density Residential Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received. It is recommended that the application be approved, subject to conditions.

#### **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/06 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This determination has to be made no later than 21 August 2019, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2019/06 in accordance with one of the following options:

**1. Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions in accordance with the Recommendation.

**2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

**3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

### **RECOMMENDATION FROM PLANNING COMMITTEE**

Moved **Clr Cassidy**

Seconded **Clr Bailey**

**THAT** the Planning Committee recommends approval in accordance with Option 1:

**Approve in accordance with the Recommendation:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions in accordance with the Recommendation.

### **Conditions**

#### **General**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development

before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

3. The subdivision must be carried out in accordance with the Bushfire Hazard Report – Lot 1 Bannister Road, Tods Corner Project #18028 v4 prepared by SEAM, dated 4 September 2019 (Bushfire Assessment Report).

*Public open space*

4. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 2-16 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer and pay the applicable amount for lots in each stage prior to sealing of that stage.

*Covenants*

5. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

*Easements*

6. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

*Endorsements*

7. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

*Transfer of reserves*

8. All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

*Final Plan*

9. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
10. A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
11. All conditions of this permit must be satisfied before the Council seals the final plan. It is the subdivider's responsibility to arrange any required inspections and to advise Council in writing that the conditions of the permit have been satisfied. The final plan of survey will not be dealt with until this advice has been provided.
12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

*Engineering*

13. The subdivision must be carried out in accordance with the *Central Highlands Council Subdivision Guidelines 2012* (attached).

14. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
15. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
16. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
17. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

#### Property Services

18. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
19. Wastewater disposal systems for each lot must be designed and provided in accordance with the recommendations of the Site Suitability Assessment Report – Lot 1 Bannister Road, Tods Corner Project # 18028 prepared by SEAM, dated 21 December 2018.

#### Existing services

20. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### Telecommunications and electrical reticulation

21. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
22. Prior to sealing the final plan of survey the developer must submit to Council:
  - An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - Written evidence from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

#### Roads and Access

23. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
24. The extension of Bannister Road must be constructed to include:
  - A minimum road reservation width of 18.0m;



- Fully paved and drained carriageway;
  - a minimum overall carriageway width of 7.0m;
  - Cul-de-sac turning head with a minimum 12.0m outer radius;
  - Stormwater table drains; and
  - In accordance with the endorsed Bushfire Assessment Report.
- 25.** Subdivision roads must be constructed to include:
- A minimum road reservation width of 15.0m;
  - Fully paved and drained carriageway;
  - a minimum overall carriageway width of 7.0m;
  - Cul-de-sac turning head with a minimum 12.0m outer radius;
  - Stormwater table drains; and
  - In accordance with the endorsed Bushfire Assessment Report.
- 26.** A vehicle access, with a minimum carriageway width of 4.0m, must be provided from the road carriageway to each Lot.
- 27.** The vehicle accesses must be constructed in accordance with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access and TSD-R04-v1 Rural Roads Typical Driveway Profile prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's General Manager.
- 28.** The vehicular access for all internal lots must be constructed for the full length of the access strip, to the lot proper, and include:
- 4.0 metre min. width carriageway
  - Constructed with a durable all weather pavement
  - Stormwater drainage; and
  - In accordance with Table In accordance with the endorsed Bushfire Management Planning Report.

#### Weed management

- 29.** Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to limit the spread of weeds listed in the Weed Management Act 1999 through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

#### Natural Values Management

- 30.** The Miena Cider Gums (*Eucalyptus gunnii divaricata*) identified on the site in the Natural Values Supplementary Assessment - prepared by Jim Mulcahy PDA, dated 27 March 2019 must be retained on the site, unless approved otherwise under the applicable legislation.
- 31.** Best practice methods must be adopted during construction of the subdivision to identify and protect the Miena Cider Gums, including root zone protection. A plan outlining the proposed protection management plan must be submitted with the engineering drawings prior to construction commencing.

#### Soil and Water Management

- 32.** A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
- 33.** Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

34. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
35. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

#### Construction

36. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
37. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.

#### Construction amenity

38. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
  - Monday to Friday 7:00 AM to 6:00 PM
  - Saturday 8:00 AM to 6:00 PM
  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
39. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
  - (b) Transport of materials, goods or commodities to or from the land.
  - (c) Appearance of any building, works or materials.
40. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
41. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

#### Maintenance and Defects Liability Period

42. Works required by this permit must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
43. A bond clearly in excess of 5% of the value of works and no less than \$5000.00, must be submitted to Council at the commencement of the defect liability period or prior to sealing the final plan or survey, whichever is earliest. The bond will be returned at the expiration of the defect liability period if all works are maintained and repaired as necessary to the satisfaction of Council's General Manager.

#### THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.



- B.** This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- C.** This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- D.** The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule.
- E.** All approved engineering design drawings will form part of this permit on and from the date of approval.

**Carried**

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

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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 9.15am

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# The Derwent Catchment Project

Increasing Productivity. Restoring Landscapes



## Annual Report

2019

## Building a program of on-ground action

We have continued to work on establishing a program of action to ensure our aims of restoring the landscapes and improving the productivity of the Derwent can be a reality. The project is ambitious and long term in its approach. The Derwent Catchment Project strategic plan 2014 was developed when Josie first started 5 years ago, and we are pleased to say that the organisation has successfully achieved most of the original objectives. So it is time for a new plan! This year we held a workshop with our governing committee to prioritise actions and we have formalised these in our new strategic plan for 2019-2024. Included with the annual report.

The new strategic plan aims to continue to build the Derwent Catchment Project's scope of NRM works and diversify our funding sources more broadly. Recent changes in NRM delivery and funding of programs has impacted our available staff time making it more difficult to carry out activities that aren't tied to individual projects. This time has in the past been used to support community activities including provision of NRM advice and support. We see this as a fundamental part of the Derwent Catchment Project's remit and as such we are working hard to remove the financial risk associated with short term funding cycles associated with Government agencies. However, financially we continue to attract significant funding and are growing our program of works as planned.

This past financial year we managed \$540,000 worth of NRM program funds across the Derwent Valley and Central Highlands. We would like to thank Central Highlands and Derwent Valley Councils for their continued role in supporting the Project. We would also like to thank Hydro for their investment into NRM activities in the Catchment and support of our program activities.

## Spring Celebration & Fundraiser 2018

The Derwent Catchment Project held their annual Spring celebration and fundraiser at Currunga Farm on the 7th September. The event included 80 people from the Derwent region who came together to celebrate the start



of the productive season and to raise money for the Derwent Catchment Project's Tyenna River restoration program. Cade Ebdon from Livestock Consulting auctioned a wide variety of products from local businesses and community and we would like to thank all those who attended and contributed, especially Jim & Jane Parsons who donated their Currunga Farm Function Centre and catering services for the event. There was lots of feedback on the success of the evening and we look forward to next year's event.

We also changed our membership model so that everyone who attends the Spring celebration and fundraiser is paying for membership with the entry ticket. We currently have over 80 members and are aiming to continue to grow this number. The change in approach to membership will allow us to gain DGR-1 charitable status which allows for tax deductible donations to be made to the organisation. The changes for the constitution required to achieve DGR1 will be present to the AGM 6<sup>th</sup> Sept 2019.

## Fires

The fires last summer were significant and have impacted a number of NRM programs. We visited the fire affected areas from the Great Pine Tier fire and contacted landowners affected by the fires to discuss fire recovery support. We have also been in contact with NRM North and State Government to discuss recovery requirements and how we can support the process. However, funding for environmental recovery is currently not available under the emergency response and recovery funds. We have prepared a project to support actions but have yet to acquire funding but will continue to work on supporting recovery for affected landholders. The main areas of concern from a land management perspective include weed incursion post fire particularly from Californian thistle and ragwort and Miena cedar gum recovery as some subpopulations have been burned, with many trees unlikely to recover.

### *Bushfire workshop*

Eve attended a bushfire workshop held in Hobart and organised by DPIPW fire management staff. She presented a short talk about the effect of the recent fires on the Miena cedar gum and also the need for better cross-tenure fire management support, particularly for large landowners next to the world heritage area. Eve has scheduled a meeting with the Fuel Reduction Unit manager and other relevant fire management managers (i.e. Parks and Wildlife and Tas Fire Service) to discuss this issue and investigate what funding would be available through this avenue to support a fire management facilitation program.



## Agricultural best practice program

### *Small farms workshop for the Derwent*

Josie and Eve organised and delivered a 2-day workshop for small farm owners in the Derwent Catchment. The workshop covered farm planning and mapping, understanding farm assets and infrastructure, the legal responsibilities of landowners, land use capability and soils, the energy cycle, animal health, pest management, how to grow good quality pasture and manage weeds. The event was very well received, and we will continue to offer this course on an annual basis.



## Dairy Cares for the Derwent

### *Open Gates*

The Derwent Catchment Project is working in partnership with corporate farming group Compass Agri to improve sustainability on their dairy farms in the Derwent. This is funded through the national Landcare grants programme with support from Compass Agri. The project is looking at the whole farm system and implementing ways to reduce nutrient loss, minimise energy losses and improve biodiversity on farms. The project will open the gate for local farmers allowing everyone to share knowledge and experience of best practice dairy management.

A field day was held in May at Ivanhoe farm which focused on energy efficiency. Experts provided efficiency advice and options for renewables. The workshop focused on irrigation efficiency; how to successfully incorporate renewables; billing and metering queries and advice from independent energy advisers and brokers. Another field day is scheduled for next year which will focus on sustainability audits and mitigating run-off through wetland systems. We have developed a sustainability audit process and completed two audits on the Compass Farms with another two planned before the end of the year.

Clearview at Gretna is being used as a demonstration site. A restoration plan and a wetland construction plan have been developed as part of the program. Over 3000 native plants will be planted to improve water quality of the waterways that flow from the farm. Shelterbelts are being planted at the edges of paddocks in strategic positions to provide shelter for the animals, to improve



biodiversity and to capture carbon. Significant plantings with over a 1000 trees and shrubs have already been undertaken. All water channels have been fenced off and trees and shrubs have been planted along the banks. This restoration aims to stabilise areas susceptible to erosion and will act as a buffer to nutrient flows. A series of wetlands will also be built on the farm in summer to further reduce nutrient levels and sedimentation entering the Derwent.

#### *Effluent Day – training for practitioners*

Project staff attended the Effluent Day hosted by Dairy Tas which covered important aspects of managing and utilising animal waste on farm. The focus of the training day was to support on-ground NRM officers and agricultural extension staff in better understanding effluent systems and common problems and solutions for effluent management. The key messages can be distilled to the 3 S's:

- Storage (make sure you have enough storage capacity)



- Solids (manage them!)
- Sufficient reuse area

This was very useful day for our staff and is helping us to build more expertise in specialized NRM for the dairy industry.

### **Meat and Livestock Australia (MLA) producer demonstration site trial – Perennial Forage Shrubs**

We successfully applied for funding to run a MLA producer demonstration site. Late last year we made a call to farmers to participate in a bid for MLA funding. A producer BBQ was held to discuss options for improving productivity on marginal lands specifically north facing slopes. After the recent meeting a consensus was reached to focus on forage shrubs. The proposal is to look at the viability (a cost benefit analysis) of establishing forage shrubs on north facing slopes to improve ground cover and productivity.



The project will focus on 3 demonstration sites. These sites will be used to compare establishment of forage shrubs using direct seeding versus plantation style establishment with tube stock. The cost of establishment will be documented and compared to the grazing potential utilised from the forage shrubs. We will measure biomass as a metric of available forage and compare stocking rates between forage shrub sites and control sites. We will also measure bare ground and soil and litter loss/accumulation.

The main aim will be to communicate simply the process used and what the positives and negatives are of undertaking forage shrubs establishment, with a clear cost benefit analysis.

This project has been funded for 4 years. There is also a further option for a 2 year extension if required. The contract for this funding has been signed and approved late June. We have purchased the seed required for the forage shrubs to be direct drilled and plugs will be grown by Karen in our nursery.

### **Pasture Information Network**

We developed a project for NRM South to submit under the revised tender process for Regional Land Partnerships funding from the Australian Government. We are still waiting for the final funding outcome, but indications are positive that this program will be supported. Our program is titled *'Pasture Information*

*Network – Agri-best practice for dryland graziers in the Derwent Catchment’.* This project will increase awareness and knowledge of land management practices that improve and protect the condition of soil, specifically addressing soil erosion, acidification and climate change adaptation through dryland grazing best practice management. Over the next four years, the project team will work with targeted landholders using a practical, peer learning approach to extension. This project will also create a forum for discussion and learning about best practice dryland management driven by producers and facilitated by the Derwent Catchment Project. The project will build a network of learning through development of the following layered extension programs:

1. A one-on-one mentor program - one on one support from experienced dryland graziers to those new to the region or seeking to upskill. There is increasing expansion in Tasmanian agriculture and a reliance on consultants to deliver advice to people seeking to learn about pasture management. The Mentor Program will offer coaching to farmers from dryland graziers who are implementing best management practice. Mentors will be available to provide action-oriented learning and support which is a key method in which adults gain new skills.
2. Farmer discussion group - “The BBQ Series” is a highly successful discussion group format using a Q&A panel comprised of local leaders and one expert. Following a BBQ and drinks where farmers can catch up and socialise, we offer people the change to ask questions of the panel. The resulting discussions have proven to be vigorous and informative. This format provides an excellent opportunity to gather useful, practical, grass-roots information to support the development of awareness, knowledge, skills and confidence among producer groups. Topics covered include North-facing slopes management; trees on farm; nutrient management and climate resilience.
3. Demonstration sites, workshops and case studies - A key tool to practice change uptake is to demonstrate how the economic and land management benefits stack up in a local context. Demonstration sites, case studies and workshops will focus on nutrient management, the viability of forage shrubs on north-facing slopes and species selection for pasture persistence in dryland grazing systems. We will tackle issues with innovators who are having success then synthesise and relay the evidence through field days and the Pasture Hub.
4. Online information portal: Pasture Hub - A key driver for engagement is having access to locally relevant information on best practice methods in accessible language for those seeking to upskill. The Pasture Hub portal will synthesise learning from demonstration sites/case studies/workshops and current research to support a forum for discussion and learning. A broad range of best practice information will also be available in easy to understand language. This type of resource is not currently available.

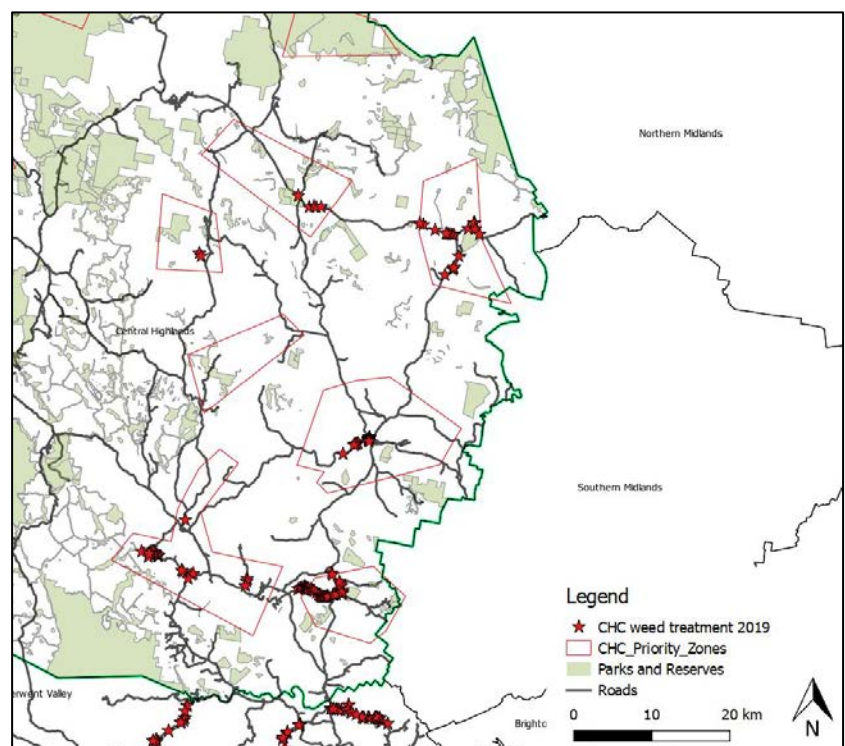


## Weed Management Program



### Central Highlands Weed Management Program

We have undertaken control works in all the eradication zones within the Central Highlands Weed Management Plan. There were substantially more weeds found in the target areas than at the survey time three seasons ago. It was great to be able to action the weed plan this year for Council. We have also secured funding for next years program and will commence works in late spring



### *Orange hawkweed*

We are working with Biosecurity Tasmania and Parks & Wildlife's Working Neighbours Program to seek funding for a strategic approach to managing Orange Hawkweed in the Central Highlands. Orange Hawkweed is a State listed priority weed that is a threat to alpine areas. Orange hawkweed can outcompete native plants



and disturb local ecosystems as it fills the spaces between grass tussocks that are necessary for the regeneration and survival of native species. We have developed an Action Statement which documents the current understanding of the distribution of orange hawkweed in the Central Highlands and near and within the World Heritage Area. This review has shown that:

- At outlying sites with active control, the species was absent, or restricted to a few isolated plants
- At larger sites (Butlers Gorge and Shannon) the species is still present, but over a much-reduced area
- Where there has been a lapse in control efforts (Crown Land at the Shannon) the species is present at higher densities
- Evidence of some spread with four new sites confirmed – two identified through survey (Maydena and Steppes Reserve), a third on private land near Bothwell confirmed through herbarium records and a fourth reported from Cattle Hill Wind Farm.

### *Highlands Broom report and control*

This program has also been supported by the Parks & Wildlife's Working Neighbours Program. This project has evolved out of an increasing recognition that broom is thriving in certain locations across the highlands. We have now completed the Highlands Broom Report based on extensive field survey and consultation with local field staff. The next stage will be to undertake control in Spring around Tarraleah to protect the Tarraleah Conservation Area. The report includes a co-investment plan which will be submitted to the next Weed Action Fund (currently being administered by the Biosecurity Tasmania DPIWPE) round to support cooperative containment in the Central Highlands.



Further works on broom included some trial control work at significant broom infestation near Bronte. This site is identified as a major weed spread risk *Central Highlands Weed Management Plan 2016-21*. The trial has involved excavator work using mulching and wind-rowing. We are developing a budget and plan for the site which will form part of the spring control works.

#### *Spanish Heath at Monto's creek at Ellendale*

We secured follow up funding from Parks & Wildlife's Working Neighbours Program for control of the large Spanish heath infestation outside Ellendale on a rural property that backs on to the Tasmanian Wilderness World Heritage Area.



#### *Poatina Fire ragwort program*

This program has completed four years of control and the works have seen a reduction in ragwort in the remote areas and some of the larger infestation areas. However, there was substantially more regrowth than expected in the high-density infestation areas close to the more disturbed locations. The 2020 control works will focus on these dense infestation areas. The program was funded again through investment from Hydro Tasmania, Parks & Wildlife and TasNetworks.

#### *Adopt a shore*

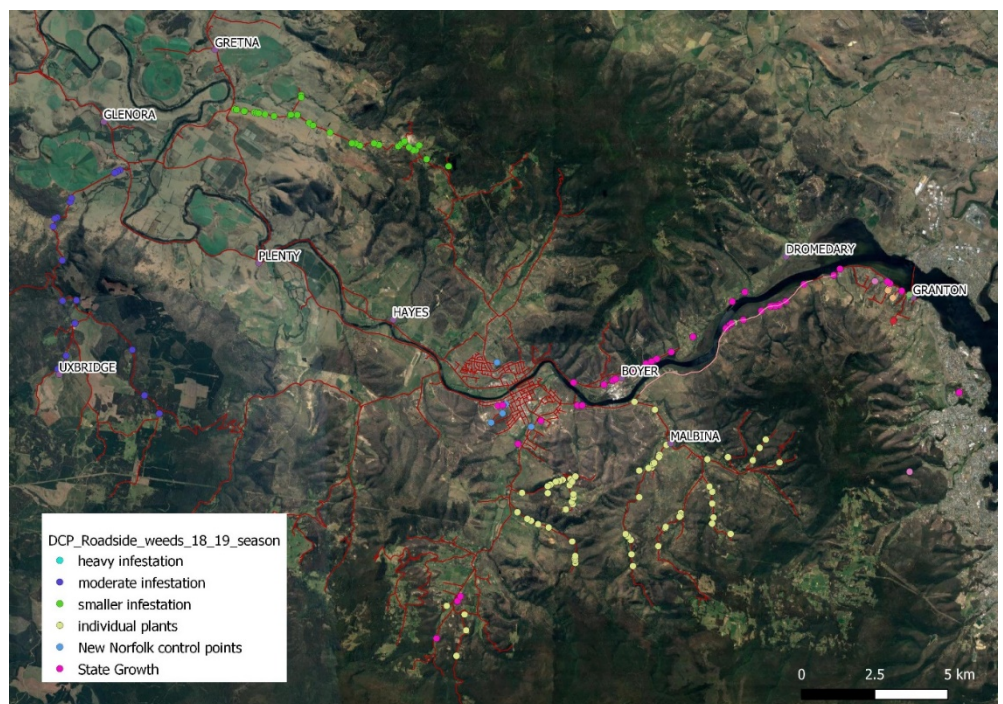
The "Adopt-a-shore" program is a community program of works with local shack owners to control ragwort along the Great Lake shore and is supported by funding from Hydro Tasmania and in-kind from Inland Fisheries Service. This season only 1 working bee was run due to the Highland fires. The resources were instead allocated to a survey of Californian Thistle distribution which has been rapidly spreading around the lake. The survey and associated report were developed to determine the scale of the problem and allow for a strategic approach to control in the future.

## Derwent Valley Weed Management Program

This season we were very successful in treating Priority Sites which are outliers highlighted in the Weed Management Plan for control. Large volumes of Boneseed were removed from areas such as the Peppermint Hill Lookout and the area of bushland above Sharland Avenue. Lots of unwelcome garden escapees were also controlled.

Further afield we have been working in the 'Weed Eradication Zones', that include 1. Uxbridge, 2. Mt Lloyd, 3. Mt Charles, 4. Ironstone Gully and Ringwood, 5. Black Hills, 6. Maydena and 7. Molesworth. These are areas of rural roads with manageable levels of weeds, which when controlled will protect large areas of native bush and farmland from infestation. Our work last year yielded very good results, noticeably on species like Gorse, Broom and Sweet Briar. This year, every minor road in every zone was driven, checked and treated as necessary. Some large isolated outbreaks of Spanish Heath were found and treated. The species treated were

Declared Weeds including Thistle species, Broom, Gorse, Fennel and in some areas Hemlock, Horehound and Mullein. In these zones Blackberry and Briar was only treated when it was a significant outlier and would prevent a new infestation. Unfortunately, there is just too much Blackberry to take on wholesale at this stage.



A new outbreak of *Chasmanthe floribunda* (African flag) was located and treated on Collins Cap Road. African flag is a garden escape which has colonised over 1 km of roadside. Follow up control will be required next year.

Boneseed and African Boxthorn were removed from the Granton Reserve, following on from last year's work with very good results. These species were also treated on the adjacent Crown Land (funded by them) which

will reduce the weed spread back into the Reserve. We are also pleased to have garnered State Growth investment for this region and are working on the highway between Murphy's Flats and Granton Park. This work has already significantly improved amenity to the gateway of the Derwent and will work to protect Murphy's Flat Conservation Area from further weed incursion.

Eve is collating data from all the stakeholders to develop the annual weed report against the actions in the Central Highlands Weed Management Plan. Our Spring meeting will be held on the 18<sup>th</sup> September to discuss what was achieved last year and to look at priorities for the coming season.

#### *Tasmanian Wilderness World Heritage Area (TWWHA) weed working group*

A Derwent TWWHA weed working group has emerged from concern about an infestation of Spanish heath along the Gordon River Road. State Growth and Hydro have committed to controlling the infestation. The aim of the working group is to deliver a cross-tenure, collaborative program that manages weed threats to the TWWHA and is now guided by an action statement that outlines and prioritises control over a 5-year timeframe. This will be a working document which can be updated as new information becomes available.



*Mapping Californian thistles: which pose a threat to the World Heritage Area*

#### *Karamu*

A Weed Management Plan has been developed to provide a strategic and long-term approach to the management of the declared weed Karamu in the Derwent. Karamu is a priority weed and the most significant infestation in Tasmania (there is considerably smaller patches in the Huon and Fern Tree) and inhabits the inundation zone along the banks of the Derwent throughout New Norfolk. This collaborative program invests \$20,000 towards on-ground weed control. Project partners are: Derwent Valley Council; Crownland Services; Parks; State Growth; Derwent Estuary Program; Norske Skog and the Derwent Catchment Project with in-kind support from Inland Fisheries Service.





We have undertaken the second season's worth of control as part of the 7-year plan. The work is challenging due to the flow of the river and semi-aquatic nature of the weed. Also, dense willows and blackberry make it difficult to access the lower stems of the Karamu for cutting and pasting. Parks and Wildlife supported works this year, working with Glenn Szalman, via boat to control from the

Esplanade down to Millbrook Rise. This work built on control undertaken by Chris Atkinson on the Esplanade and over at Fitzgerald Park. Karamu Island was not controlled as river levels came up too high so will be revisited asap. Glenn has replaced Chris our last on-ground works team leader who has moved on to work with the Tasmanian Land Conservancy.

#### *Weed action fund grants and advice*

The first round of the Weed Action Fund has recently closed and was open to agricultural producers looking for up to \$5,000 to support work on priority weed issues. DCP submitted 2 applications (African feathergrass survey and Elisha's Tears control) as well as providing advice for other applicants.

## River Recovery

### Tyenna River Recovery program

Our application for the Fisheries Habitat Improvement Fund for \$60,000 was successful. We attended Trout weekend to promote the project and our activities more broadly and had twenty anglers volunteer to be part of the willow warriors program!

### Working bees

An October working bee was held at Lanoma estate. There were a small group of anglers who planted 130 trees and Trish Clements ran a mayfly muster. The Mayfly Muster is part of a national program which looks at water bugs as an indicator of stream health. It's a good water quality metric which can be used to track progress over-time. We hope to keep the mayfly muster an annual event. Trish successfully applied for a grant to run them in New Norfolk on the Lachlan river and on the Tyenna.



Warriors planted 700 native rushes, shrubs and trees along a stretch of the Tyenna River replacing recently removed willows. The willows, removed by the landholders at the Westerway Raspberry Farm, had been restricting access to the river and impacting on fish habitat. As they grow, our native plantings will help to shade the river, stabilise the banks (as the willow roots break down) and improve river health. There were



The

Liawenee Trout Weekend provided a great opportunity to talk with the fishing community about the Tyenna River project. We held a stall with the Fisheries Habitat Improvement Fund showcasing our river recovery project and with the brochure pictured, managed to attract 20 new volunteers for our Willow Warriors program.

As a result, the last working bee in July had a great turn out with a good crew of people. The Willow

both new faces and seasoned Willow Warriors at the working bee and the many hands made light work of a big job. Participants had a chance to give back to one of Tasmania's premier trout-fishing rivers and the landholders that provide access to it. Our next working bee is scheduled for November.

#### *Ouse River Recovery*

We have consistently lobbied for funds to complete works and have prepared a number of submissions as requested by DPIPWE. However, no funding has come through and we have informally been told that the funding allocated has been redirected to fire recovery efforts. Very disappointing given the efforts made and the clear need to continue action. We have submitted an EOI to the Landcare action grants for funding but this has also been unsuccessful although the project now sits in the Landcare Tasmanian project bank. We will continue to work on improving the health of the Ouse River and maintaining the sections where works have been undertaken.

In the past year we have undertaken follow up weed control targeting willow regrowth as our priority and supporting in-fill plantings on the Recovery Project. The success rate of planting has been mixed with high levels of success where stock have been excluded. We are continuing to work on replacing plants at key sites and providing plants for landholders upon request.



## New Norfolk Riparian Natural Area Plan

A plan for the Derwent and Lachlan riverbanks within the township of New Norfolk was developed in 2017. This plan provides guidance on restoration and how to approve amenity and access for residents and visitors to New Norfolk more broadly. The plan also identifies target areas for weed control and revegetation works.

As part of the recommended works, willows have been removed and blackberries have been sprayed from Humphries Road to the Avenue. Revegetation plantings have unfortunately been hampered by floods and high-water events however we will plan to revegetate again in Spring. Twelve directional signs and three interpretation signs have been developed and installed for this project.

### A History of Fishing

New colonists from the British Isles found life in Van Diemen's land challenging. Clearing new farms from the bush was extremely hard work, and drought meant crop failures were frequent. Many of the workers didn't choose to come to Van Diemen's Land, but were either convicts or economic refugees.

To make Van Diemen's Land more appealing to new colonists, and to make existing residents more at home, acclimatisation societies formed to introduce European plants and animals into the landscape. English style gardens were planted with willows and oak trees, and birds such as blackbirds were introduced for their song.

*'Scarcely a Tasmanian gentleman has paid a visit to the Mother Country without bringing back with him a selection of birds and animals, by reason either of their beauty or their utility, to naturalise in the island.'*

*The Mercury, February 21, 1862*



Brown trout



Atlantic salmon

#### Wanted salmon, got trout!

Several acclimatisation societies wanted to introduce salmon into rivers, both for sport and as a food source however, transporting salmon eggs from Britain to Australia, a voyage of thousands of kilometres through the tropics without refrigeration, proved a huge challenge. For eleven years transportation attempts failed using ice insulated with sawdust to keep the eggs cool, with one particularly frustrating attempt where the vessel was only a few days away from Australia. Success was finally achieved when the eggs were packed in boxes of wet moss for the voyage. They arrived at the specially constructed Salmon Ponds at Plenty, where they were successfully bred.

Images courtesy of the Inland Fisheries Service and Tasmanian Archive & Heritage Office

This win was not to last. Salmon spend most of their time as adults in salt water, but swim up rivers to spawn, where they are fished. After the salmon were released and made their way to the sea, not one fish returned to the fresh water to spawn. However, in the shipment of salmon eggs was a small number of trout eggs, included as an afterthought. Unlike salmon, trout are generally non-migratory, and they thrived in Tasmania's waterways and highland lakes, providing a self-sustaining population that is still fished today. Further attempts to introduce salmon failed, until the beginning of commercial fish farming in the 1980s.



The salmon ponds, circa 1900 (insert) and modern day. Designed as an English garden, the Salmon Ponds became popular as a picnic destination.



The Derwent  
Catchment Project  
Increasing Productivity. Restoring Landscapes

## Derwent Valley Flood Recovery program

DERWENT VALLEY GAZETTE Wednesday August 14, 2019 - 7

news

# River issues revealed Gell blaze lessons

THE Derwent Catchment Project is resolving issues uncovered by the extreme weather event last May.

The non-for-profit catchment management organisation that works across the Derwent Valley and Central Highlands obtained a Community Recovery and Resilience Grant to support both local councils, industry and grant funding.

The Derwent Catchment Project delivers practical on-ground programs supporting river restoration and revegetation, agricultural best practice, coordinated weed management and conservation.

Jointly funded by the Federal and State Governments under the Natural Disaster Relief and Recovery Arrangements, their current project aims to increase the local community's resilience and capacity to respond to flood events.

Derwent Catchment Project's Eve Lazarus said the Recovery and Resilience Grant was helping to resolve issues uncovered by the floods and fire.

"This grant has allowed us to create a riverbank resilience education program, which includes demonstration days to teach the community about willow control and revegetation techniques."

It has also helped us develop a flood recovery information package for residents in high risk areas, including a series of fact sheets and short videos on why willows are bad, the legal responsibilities



Checking out the program are Eve Lazarus from the Derwent Catchment Project, left, Derwent Valley Mayor Ben Shaw and Sue Crawford from the Derwent Valley Horse Riders Association and Derwent Pony Club.

of landholders, recovery after a flood, and how to revegetate after a flood," Ms Lazarus said.

Derwent Valley Mayor Ben Shaw met with Ms Lazarus and Sue Crawford from the Derwent Valley Horse Riders Association and Derwent Pony Club to discuss the program and offer the council's ongoing support.

This program reinforces the importance of rivers to the health and wellbeing of people and economy, so projects like this are vital," Cr Shaw said.

"If we don't have a healthy river system, it can affect the overall health of our local habitats and environment. I'm looking to seeing our community get involved with the working bees when they commence," he said.

Ms Crawford has been involved with the Derwent

and Derwent Pony Club were affected last year by the May floods and the club is keen to become more involved with looking after the land and river system their club is housed on.

The flood recovery program, which works with local landholders and residents, is also relevant to community members interested in environmental management, particularly those wanting to join the Willow Warriors group.

Contact maggie@derwent-catchment.org for further information about community working bees.

The Derwent Catchment Project is also undertaking comprehensive mapping and surveying of Glen Dhu Rivulet, Sord Creek and the Lachlan River to identify areas of erosion, weed invasion and debris blockages and develop an action plan for long term recovery and resilience building activities.

The flood recovery fact sheets, videos and info about their demonstration days can be found on the council's website.

For more information on the workshop with them several years ago and burning you can always improve the care of the land.

The Derwent Valley Horse Riders Association

Catchment Project since undertaking a small farm workshop with them several years ago and burning you can always improve the care of the land.

The Derwent Valley Horse Riders Association

Catchment Project since undertaking a small farm workshop with them several years ago and burning you can always improve the care of the land.

THE Gell River blaze 40 kilometres northwest of Marydena and within the Franklin-Gordon Wild Rivers National Park could have been handled differently with crews leaving early because of a belief the fire was out, a review into the summer bushfires found.

The Gell River fire eventually burned through 34,720ha. The review was conducted by the Australian Fire and Emergency Service Authorities Council, which confirmed the summer bushfires were the second largest bushfire event in Tasmania's history behind the 1967 bushfires.

A lightning strike started the Gell River fire on December 27 and at Great Pine Tiers on the Central Plateau on January 15. The report says crews withdrew from the fireline at Gell River on December 31, thinking the fire was inactive and did not pose a threat.

"This unfortunately proved not to be so, with the fire later burning slowly in the south," the review said.

The review found the Gell River could have been handled differently but was managed competently according to accepted industry practice.

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Paying too much for power?

Eve launched the Community Resilience Flood Recovery Series with the Major of Derwent Valley via an article in the Gazette. The Flood Recovery Series includes 4 note sheets and 4 short videos on:

- Why willows are bad
- Restoring land after a flood
- Responsibilities of landholders
- Revegetation after a flood

We have also undertaken extensive river surveys of Glen Dhu Rivulet, Lachlan River and Sorell Creek to assess blockages, weed issues and erosion problems as part of comprehensive flood recovery plans which will be drafted as part of this project. This information is available on the Project's website.

## Meadowbank Action Plan - Hydro Tasmania investment

Lake Meadowbank is an important asset for Hydro and the Tasmanian community. As with all high use areas, a common set of environmental problems arise. Weed infestation, erosion and nutrient runoff impact the lake and surrounding properties. The Project undertook a planning process working with Hydro's neighbours around Lake Meadowbank to guide improved catchment management and encourage private landholders surrounding the Lake to work toward shared NRM goals. This planning process involved individual visits to neighbouring properties, survey by boat and discussion with neighbours of key NRM issues with a focus on weeds, erosion and nutrient run off. The aim is to develop a working relationship with each of the neighbours and an agreed plan of action to reduce environmental impacts on Lake Meadowbank.



## Miena Cider Gum

Hydro Tasmania invested into our Miena Cider Gum conservation program. They provided funds to undertake seed collection from important stands: one on their land near Arthurs Flume and the other on private land at St Patrick's Plains. This work involved two professional arborists collecting seed from the trees' canopy as this is the best place for cross-pollinated seed to be sourced. The seed is stored with the



Tasmanian Seed Conservation Centre which is part of the international Millennium Seedbank Partnership coordinated by the Royal Botanical gardens in Kew, England.

Hydro Tasmania also provided financial support to undertake further conservation efforts at the site including fencing and tree guard trials, the aim of which is to protect the trees and seedlings from over-browsing by possums.

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### *Miena cider gum sap flows from an old tree at St Patricks Plains*

---

One of the biggest threats to the survival of the Miena cider gum is browsing, particularly by possums. The aim of this project is to reduce canopy browsing pressure at the Arthur's Flume subpopulation by implementing a browsing protection trial targeting mature and juvenile Miena cider gum trees. Twenty-two old trees were recently banded using polycarbonate and one cage was installed to protect a smaller tree. Detailed monitoring has been undertaken and will be followed up yearly to assess changes in health. This project is part of the management plan developed by the Derwent Catchment Project for the site supported by funding from Hydro Tasmania.



## Other Projects

### *Native Plant Nursery*

Nursery sales have continued steadily through Winter and Karen our nursery manager is making the most out of the renovations that have provided more space and better conditions. Our nursery continues to be a good resource for our projects and also for the local community to purchase native plants hardened to the local conditions.

### **Bothwell Garden project**

We have been working with Central Highlands on a tree replacement program to fill in the gaps around the streets of Bothwell. The replacement program includes 60 trees



(blackwoods and black gums) and 25 native shrubs. There will also be a small native planting at the cemetery to finish screening out the units. The Bothwell Garden planting has been completed and is looking great. We will make sure there is an article in the Digest.

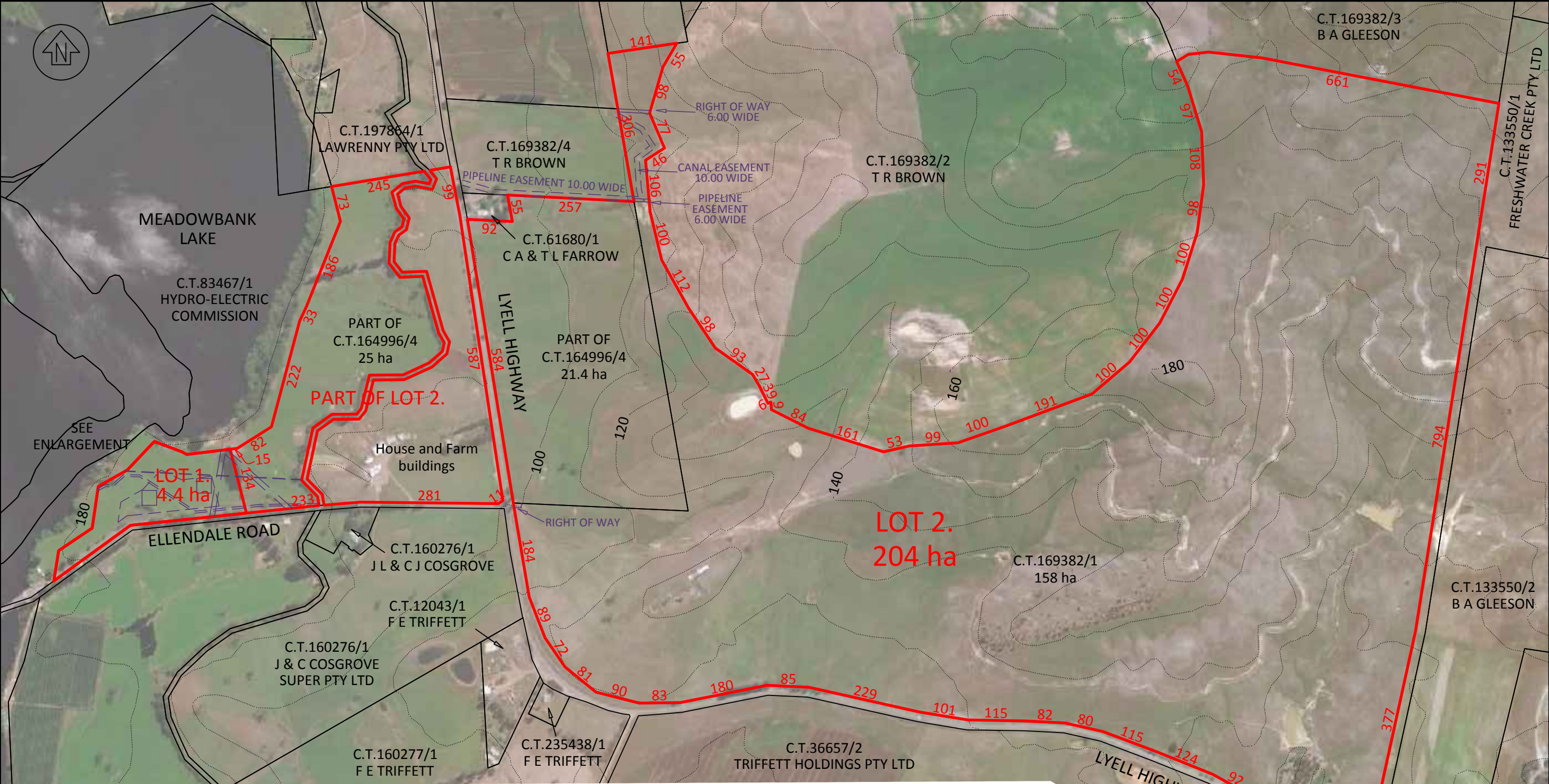
### *Dunrobin campground*

We grew some native plants for the Dunrobin campsite that we planted in late last year and have been watering the plants. The aim was to provide shelter to campers and increase the amenity of the campground.

### *Platypus walk*

The restoration of platypus walk continues to be maintained. The site is looking much better as the trees grow and the site recovers.





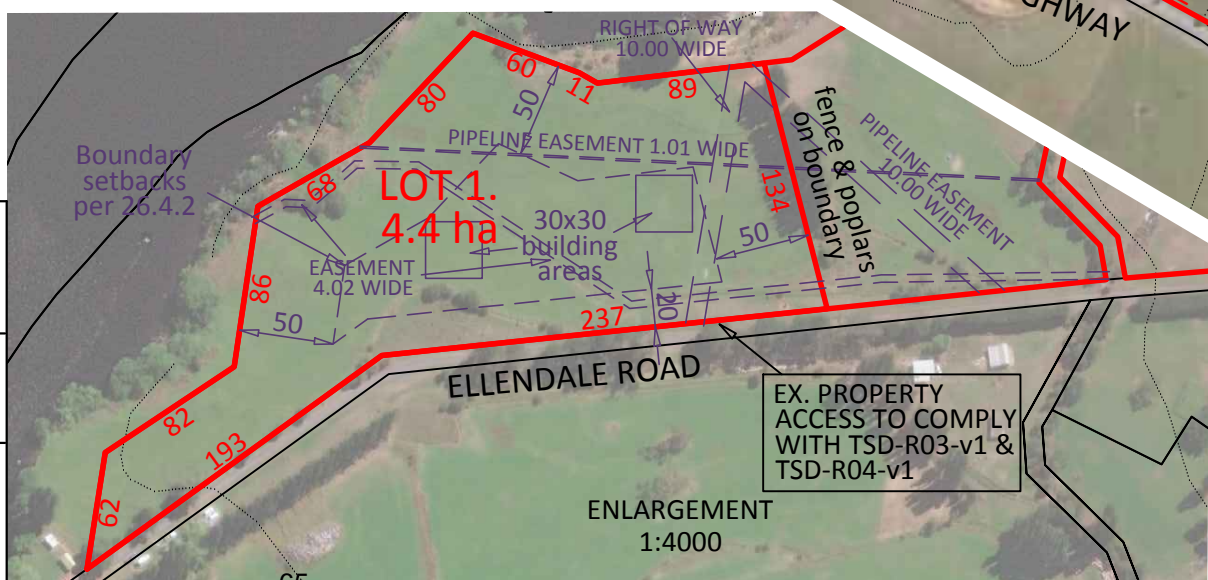
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PLANNING SCHEME: CENTRAL HIGHLANDS INTERIM PLANNING SCHEME 2015  
ZONING: RURAL RESOURCE  
APPLICATION UNDER 26.5.2 P1 BOUNDARY REORGANISATION  
MIN LOT SIZE: 1 ha  
MIN FRONTAGE: 6m

**LARK & CREESE** Pty Ltd  
*Land & Engineering Surveyors*

62 Channel Highway, Kingston 7050  
Ph. 62296563.  
Email: [info@larkandcreese.com.au](mailto:info@larkandcreese.com.au)  
Web: [www.larkandcreese.com.au](http://www.larkandcreese.com.au)

**DEVELOPMENT APPLICATION  
-BOUNDARY REORGANISATION-**

Owner: T R Brown			Note: This plan has been prepared for the sole purpose of application to Council for development approval and is not to be reproduced, copied or used for any other purpose without the express permission of Lark & Creese Pty Ltd. All boundaries and dimensions are approximate only and are subject to Council approval and final survey.
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Scale: 1:8000	Date: 3/8/19	Surveyors Ref No. 19184-01	





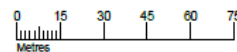
Owners  
 Robert Andrew Drysdale,  
 David Justin Drysdale  
  
 Title References  
 FR 27874/1  
  
 Address  
 Banister Road, Todds Corner, Tas  
 7030  
  
 Council  
 Central Highlands Council  
  
 Planning scheme  
 Central Highlands Interim Planning  
 Scheme 2015  
  
 Zone  
 12.0 Low Density Residential  
  
 Zone Overlay  
 126.LDS  
  
 Map reference  
  
 PID  
 2253167  
  
 Point of interest GD494 MGA55  
 483 711 E, 5353 972 N  
  
 Schedule of Easements  
 Nil.

KEY  
 Fire Buffer Zone

NOTES  
 This plan has been prepared only for  
 the purpose of obtaining preliminary  
 subdivision approval from the  
 Council and the information shown  
 hereon should be used for no other  
 purpose. All measurements and  
 areas are subject to final survey.

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9.0	9.0	9.0
10.0	10.0	10.0

SCALE 1: 1500 (A3)



REVISION	DESCRIPTION
HAC	V947U
BM	HAC
DATE	14 MARCH 2019

STAGE 1 PLAN  
 BANISTERS ROAD  
 TODDS CORNER  
 for D & R Drysdale



**PDA Surveyors**  
 Surveying, Engineering & Planning

117 Belmont Street  
 Hobart, Tasmania, 7000  
 www.pda.com.au  
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 subsidiary of PDA Group Ltd

SCALE  
 1: 1500 (A3)  
 JOB NUMBER  
 V947U - 3D







Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banister Road, Todds Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

Zone  
12.0 Low Density Residential

Zone Overlay  
126.LDS

**Map reference**

FID  
2253167

Point of interest GDA94 MGA55  
483 711 E, 5353 972 N

Schedule of Easements  
Nil.

**KEY**

Fire Buffer Zone

## NOTES

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S.S.B.	HAC	SDP18	HAC
	BM	H05D9	HAC
	BM	SDP24	HAC
	BM	SDP27A	HAC
	DATE	APPR.	

NOTES:

SURVEYOR	DRAWN
HAC	V94TU
CHECKED	BM
	HAC
DATE	14 MARCH 2019

### STAGE 2 PLAN

### BANISTERS ROAD

### TODS CORNER

### for D & R Drysdale

**PDA Surveyors**  
Surveying, Engineering & Planning

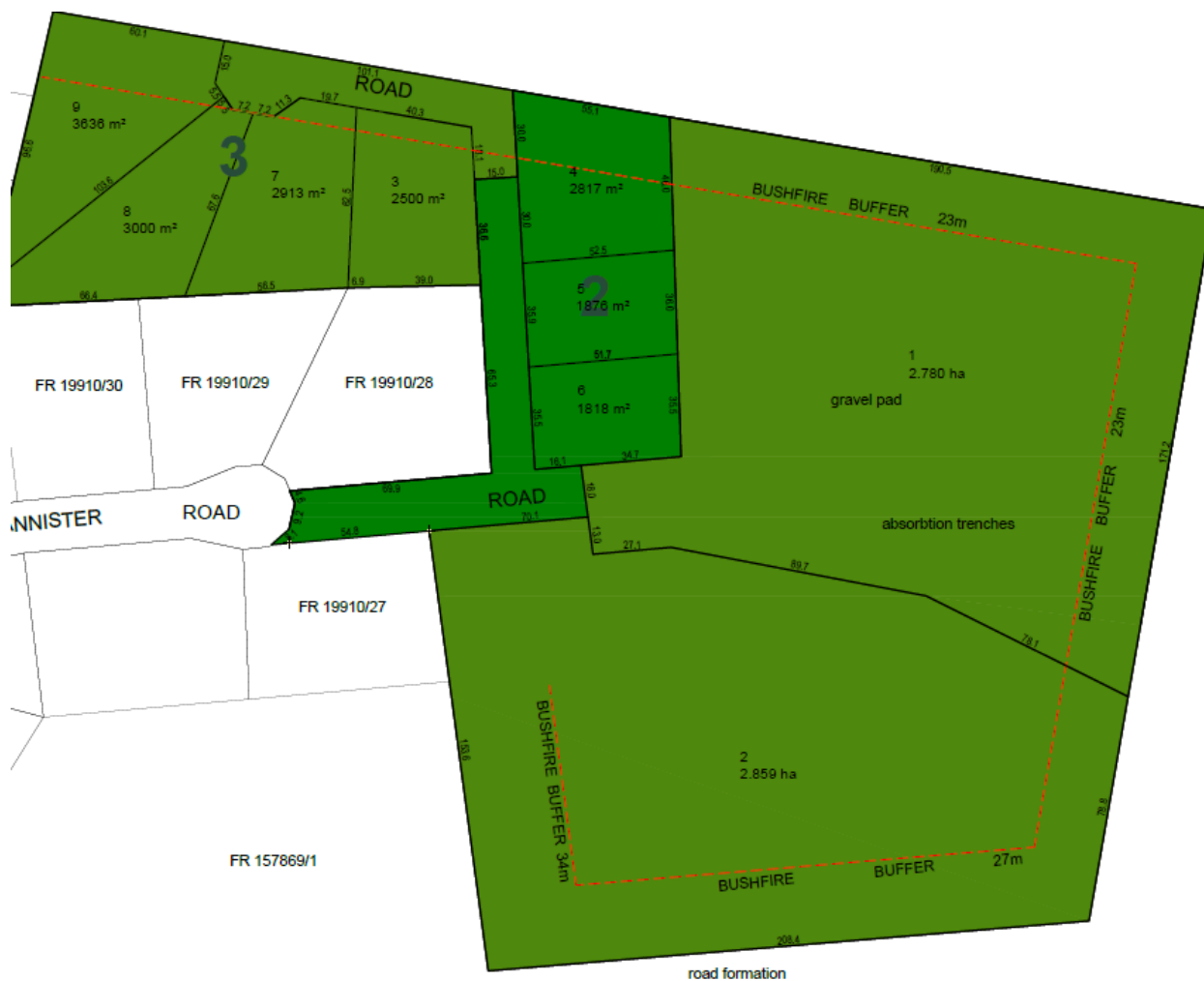
177 Delhurst Street  
Robart, Tasmania, 7000  
[www.pda.com.au](http://www.pda.com.au) or Zinc at Kingston,  
Launceston & Burnie  
4941 74 317 606 305

PHONE: +61 01 6234 3217  
FAX: +61 01 6234 5005  
EMAIL: [pda.hob@pda.com.au](mailto:pda.hob@pda.com.au)

SCALE	PAPER
1: 1500	(A3)
JOB NUMBER	DRAWING

V94TU - 5D





Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banisters Road, Tod's Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

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Zone Overlay  
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Map reference

PID  
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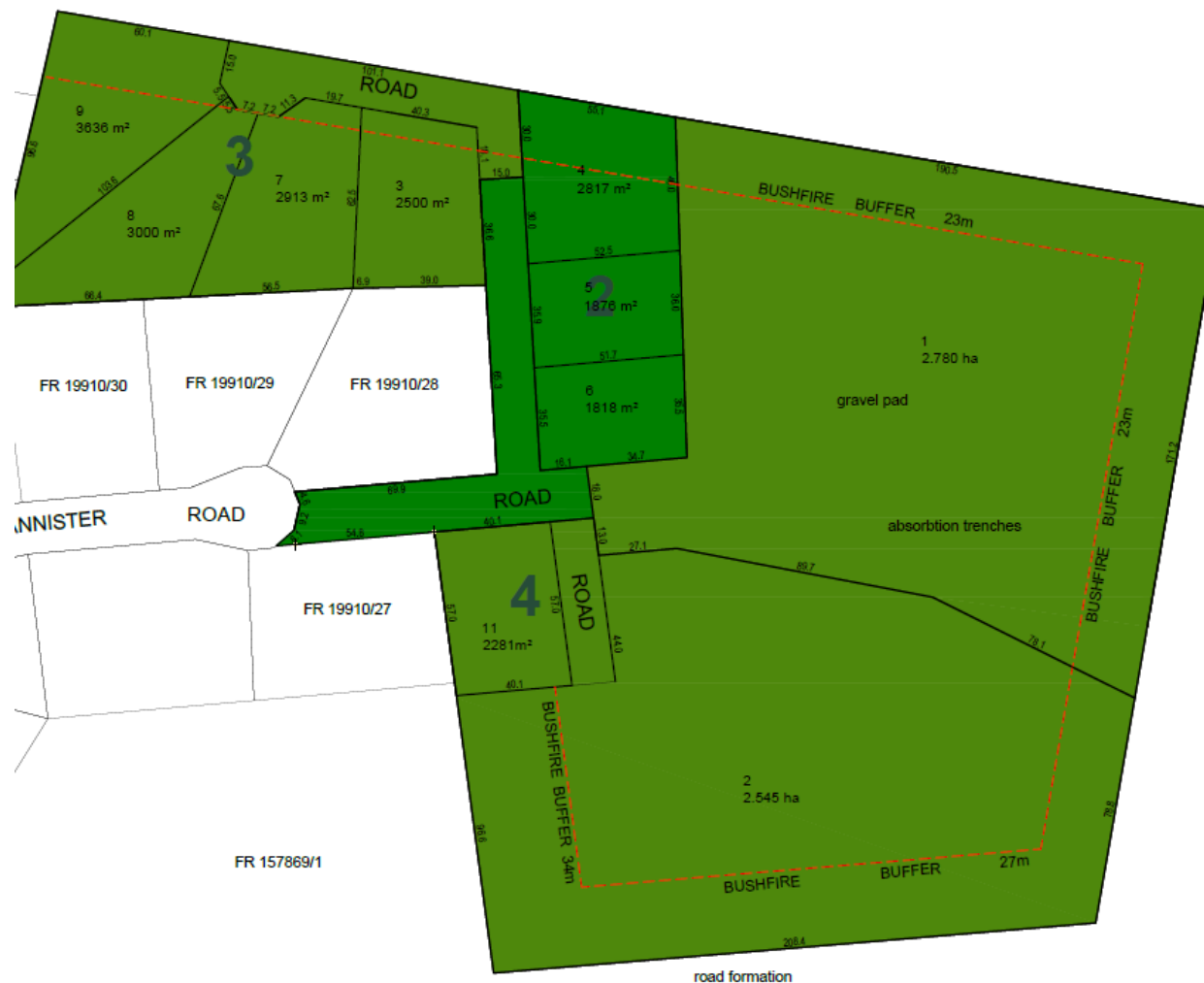
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Schedule of Easements  
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HAC		V947U	
DRAWN		CHECKED	
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DATE		14 MARCH 2019	
STAGE 3 PLAN BANISTERS ROAD TODS CORNER for D & R Drysdale			
<div><div></div><div><div><b>PDA Surveyors</b></div><div>Surveying, Engineering &amp; Planning</div></div></div> <div><div>127 Bathurst Street Hobart, Tasmania 7000 www.pda.com.au GPO Box 1171 Hobart TAS 7000</div><div>PHONE: +61 81 6224 1517 FAX: +61 81 6224 1525 EMAIL: pda.hk@pda.com.au</div></div>			
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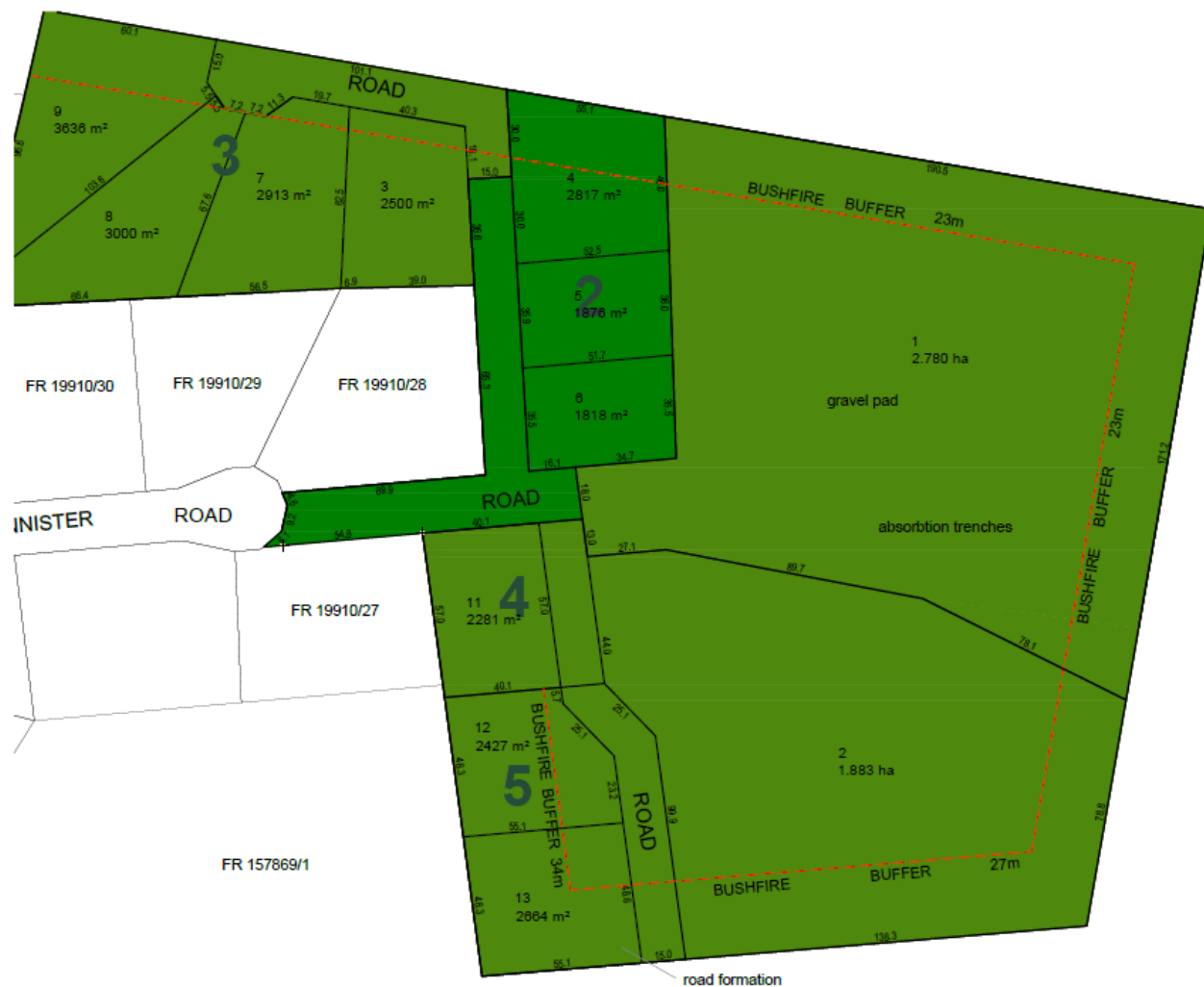


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SURVEYOR HAC DRAWN BM DATE 14 MARCH 2019	REVISION V947U CHECKED HAC	STAGE 4 PLAN BANISTERS ROAD TODS CORNER for D & R Drysdale	127 Dalwood Street Hobart, Tasmania 7000 www.pda.com.au 1300 634 634 03 6234 5555 03 6234 5555	SCALE 1: 1500 (A3) JOB NUMBER V947U - 7D
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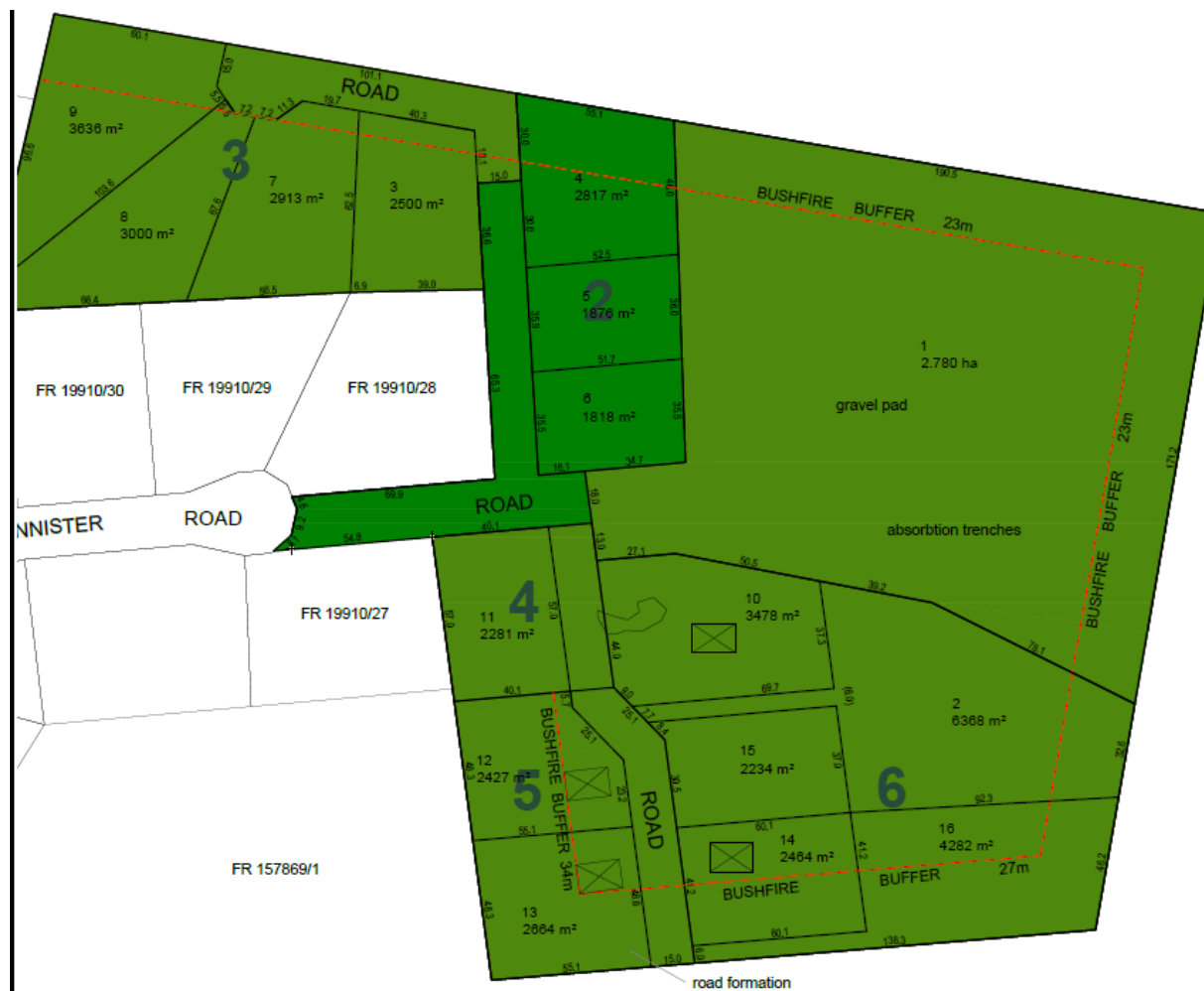


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Owners  
Robert Andrew Drysdale,  
David Justin Drysdale

Title References  
FR 27874/1

Address  
Banister Road, Todds Corner, Tas  
7030

Council  
Central Highlands Council

Planning scheme  
Central Highlands Interim Planning  
Scheme 2015

Zone  
12.0 Low Density Residential

Zone Overlay  
128.LDS

Map reference

PID  
2253167

Point of Interest ODA04 MGA55  
483 711 E, 5353 972 N

Schedule of Easements  
Nil.

KEY

Fire Buffer Zone

NOTES

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

**FOR COMMENT**

DATE	BY	REVISION	NOTES	
	BM	2020/10		HAC
	HC	2020/10		HAC
	BM	19/09/19		HAC
	BM	06/05/19		HAC
	BM	20/07/18		HAC
	BM	20/07/18		HAC
DATE	APPROV			


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SURVISOR	REVISION
HAC	V947U
DRAWN	CHECKED
BM	HAC
DATE	
14 MARCH 2019	

STAGE 6 PLAN  
BANISTERS ROAD  
TODS CORNER  
for D & R Drysdale



PDA Surveyors

Surveying, Engineering & Planning

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JOB NUMBER  
V947U - 9D

DRAWING

## TASMANIA

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## DOG CONTROL AMENDMENT BILL 2019

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### CONTENTS

1. Short title
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3. Principal Act
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5. Section 18 amended (Effective control of greyhounds)
6. Section 19 amended (Dogs attacking persons or animals)
7. Section 19AA amended (Collection and analysis of a sample from a dog)
8. Sections 19AB and 19AC inserted
  - 19AB. Dogs must not injure or kill sensitive wildlife
  - 19AC. Collection of sample by authorised officer, &c.
9. Section 20 amended (Exercise areas)
10. Section 21 amended (Training areas)
11. Section 22 amended (Prohibited areas)
12. Section 61 amended (Other evidence)
13. Repeal of Act

consultation draft

## **DOG CONTROL AMENDMENT BILL 2019**

*(Brought in by the Minister for Local Government, the  
Honourable Mark David Shelton)*

### **A BILL FOR**

#### **An Act to amend the *Dog Control Act 2000***

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 *Dog Control Amendment Act 2019*.

#### **2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

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

In this Act, the *Dog Control Act 2000*\* is referred to as the Principal Act.

#### **4. Section 7 amended (Dog management policy)**

Section 7 of the Principal Act is amended as follows:

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\*No. 102 of 2000



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*Act No. of 2019*

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- (a) by inserting in subsection (1) “, make” after “develop”;
- (b) by omitting paragraph (b) from subsection (2) and substituting the following paragraph:
  - (b) the policy in relation to declarations made, or to be made, under Division 2 of Part 3;
- (c) by inserting in subsection (3)(a) “or an amendment of the policy” after “policy”;
- (d) by omitting from subsection (3)(c) “finalising the policy” and substituting “making the policy or the amendment”.

**5. Section 18 amended (Effective control of greyhounds)**

Section 18 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “in a public place or on private premises” after “of a person”;
- (b) by inserting the following paragraph after paragraph (b) in subsection (1):
  - (ba) where the greyhound is in a declared area – only if the conditions, in relation to all dogs or to greyhounds, that are specified in the declaration of the area under Division 2 of Part 3

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are not being contravened in  
relation to the greyhound; or

- (c) by inserting the following subsection  
after subsection (1):

(2A) A greyhound is also under the  
effective control of a person on  
private premises if the greyhound  
is securely confined to those  
premises.

**6. Section 19 amended (Dogs attacking persons or  
animals)**

Section 19 of the Principal Act is amended as  
follows:

- (a) by omitting subsection (6) and  
substituting the following subsection:

(6) In any proceedings under this  
section, it is not necessary to  
prove that an actual injury was  
caused to a person in order to  
prove that the person was rushed  
at, chased, attacked or bitten.

- (b) by inserting in subsection (8)(b) “in  
relation to the commission of the  
offence” after “dog”.

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**7. Section 19AA amended (Collection and analysis of a sample from a dog)**

Section 19AA(1) of the Principal Act is amended as follows:

- (a) by inserting “(including an authorised officer, within the meaning of section 19AC)” after “person”;
- (b) by inserting “or section 19AB(1)” after “(4)”.

**8. Sections 19AB and 19AC inserted**

After section 19AA of the Principal Act, the following sections are inserted in Division 1:

**19AB. Dogs must not injure or kill sensitive wildlife**

- (1) If a dog injures, or kills, any sensitive wildlife that is in a sensitive area in relation to the wildlife, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 30 penalty units.

- (2) The Minister administering the *Nature Conservation Act 2002* may, by order, specify –

(a) that –

- (i) a species of wildlife that is specified in the order is sensitive wildlife; or

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- (ii) each species of wildlife, that is a member of a class of wildlife that is specified in the order, is sensitive wildlife; and
  - (b) that –
    - (i) an area of land specified in the order is a sensitive area in relation to the sensitive wildlife; or
    - (ii) each area of land, that is within a class of land that is specified in the order, is a sensitive area in relation to the sensitive wildlife.
  - (3) The Minister administering the *Nature Conservation Act 2002* may only specify a species of wildlife, or a class of wildlife, in an order under subsection (2) if the wildlife, or each member of the class of wildlife, is –
    - (a) partly protected wildlife, within the meaning of the *Nature Conservation Act 2002*; or
    - (b) wildlife that is prescribed under the *Nature Conservation Act 2002* to be protected wildlife; or
    - (c) wildlife that is prescribed under the *Nature Conservation Act*

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2002 to be specially protected  
wildlife.

- (4) The Minister administering the *Nature Conservation Act 2002* may, by order –
  - (a) vary an order made under subsection (2), if the order as so varied is an order that may be made under that subsection; or
  - (b) revoke an order made under subsection (2).
- (5) If an owner of a dog is found guilty of an offence under this section, the court may, in addition to any other order made by the court in respect of the offence, order that the owner pay either or both of the following:
  - (a) the reasonable costs incurred as a result of the collection or analysis of a sample from a dog in accordance with section 19AA or section 19AC;
  - (b) compensation for any damage caused or costs incurred as a result of the conduct of the dog in relation to the commission of the offence.
- (6) If the owner of a dog is found guilty of an offence under this section, the court may order that the dog be destroyed.

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(7) In this section –

*sensitive area*, in relation to sensitive wildlife, means an area of land that is specified, in an order under subsection (2), to be a sensitive area in relation to the wildlife;

*sensitive wildlife* means a species of wildlife that is specified, in an order under subsection (2), to be sensitive wildlife;

*wildlife* has the same meaning as in the *Nature Conservation Act 2002*.

**19AC. Collection of sample by authorised officer, &c.**

- (1) An authorised officer who believes, on reasonable grounds, that a dog was involved in an offence committed under section 19AA or section 19AB(1), may collect a sample from the dog.
- (2) An authorised officer who believes, on reasonable grounds, that an offence under section 19AA or section 19AB(1) has been committed may request that a general manager authorise the collection of a sample from a dog by a veterinary surgeon, for the purposes of determining whether the dog was a dog involved in the offence.
- (3) A general manager who receives a request under subsection (2) in relation to



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a dog may authorise a veterinary surgeon to collect an intimate or non-intimate sample from the dog.

(4) If a veterinary surgeon –

- (a) is a government veterinary surgeon – the veterinary surgeon may collect a sample from a dog and advise an authorised officer of the collection of the sample; or
- (b) is a veterinary surgeon who has been authorised under subsection (3) in relation to a dog – the veterinary surgeon may collect a sample from the dog.

(5) If an authorised officer, or a veterinary surgeon, may, under subsection (1) or (4), collect a sample from a dog, an authorised officer may do one or more of the following:

- (a) seize the dog and detain it for as long as is required for the authorised officer or veterinary surgeon to collect the sample as authorised;
- (b) if, in the opinion of the authorised officer, the dog is aggressive or difficult to manage, direct the owner of the dog to accompany the authorised officer, together with the dog, to a pound or other

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place where the sample may  
safely be collected;

- (c) direct the owner to produce the  
dog for the purposes of allowing  
the sample to be collected as  
authorised.
- (6) If a sample is collected from a dog by a  
person under subsection (1) or (4), the  
responsible person in relation to the  
sample is to ensure that –
  - (a) the owner of the dog is advised,  
before, or as soon as reasonably  
practicable after, the sample is  
collected that the sample is  
collected for the purpose of  
analysis; and
  - (b) both –
    - (i) a person nominated in  
writing by the owner of  
the dog, if such a person  
is so nominated; and
    - (ii) a qualified person –

are each provided with a part of  
the sample that is sufficient for  
analysis.
- (7) For the purposes of subsection (6), the  
responsible person in relation to a sample  
is –

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- (a) the authorised officer who collected the sample under subsection (1); or
  - (b) if the sample was collected under subsection (4) by a veterinary surgeon who is a government veterinary surgeon – an authorised officer who is notified by the veterinary surgeon of the collection of the sample; or
  - (c) if the sample was collected under subsection (4) by a veterinary surgeon who is not a government veterinary surgeon – the authorised officer who made, in relation to the veterinary surgeon, the request under subsection (2) in relation to the collection of the sample.
- (8) A government veterinary surgeon is authorised to conduct analysis of a sample that has been collected in accordance with subsection (1) or (4).
- (9) A general manager may authorise a person to conduct analysis of a sample that has been collected in accordance with subsection (1) or (4).
- (10) A person must not –
- (a) obstruct, hinder, delay, impede or threaten an authorised officer or

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veterinary surgeon acting in  
accordance with this section; or

- (b) disobey a direction given by an authorised officer under this section.

Penalty: Fine not exceeding 10 penalty units.

- (11) In this section –

***authorised officer*** means –

- (a) a police officer; or
- (b) a person who is a ranger under the *Nature Conservation Act 2002*;

***government veterinary surgeon***  
means a veterinary surgeon who is a State Service Officer or State Service employee;

***intimate sample*** means a sample of the blood of a dog;

***non-intimate sample*** means a sample of the saliva, cheek cells, fur, faeces or urine of a dog;

***sample***, in relation to a dog, means an intimate or non-intimate sample taken from that dog.

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**9. Section 20 amended (Exercise areas)**

Section 20 of the Principal Act is amended by omitting “specified conditions” and substituting “conditions specified in the declaration”.

**10. Section 21 amended (Training areas)**

Section 21 of the Principal Act is amended by omitting “specified conditions” and substituting “conditions specified in the declaration”.

**11. Section 22 amended (Prohibited areas)**

The penalty under section 22(2) of the Principal Act is amended by omitting “10 penalty units” and substituting “20 penalty units”.

**12. Section 61 amended (Other evidence)**

Section 61(1)(ba) of the Principal Act is amended by inserting “or section 19AC” after “19AA”.

**13. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.

# Tasmanian Disaster Resilience Strategy 2020-2025: Background and supporting information

Draft v 0.2 4 July 2019

Please email comments to [sem@dpac.tas.gov.au](mailto:sem@dpac.tas.gov.au)



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Office of Security and Emergency Management

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# Purpose of this background paper

This paper provides background and supporting information for:

- the *Tasmanian Disaster Resilience Strategy 2020-2025*; and
- the *State Emergency Management Committee (SEMC) Strategic Directions Framework*. The SEMC guides the Tasmanian Government's disaster resilience and emergency management (EM) actions.

This paper includes further details on:

- the reasons for focusing on disaster resilience;
- a proposed vision of a disaster resilient Tasmania and the goals to achieving the visions;
- proposed strategies to achieve the Tasmanian Government's strategic directions, recognising disaster resilience relies on broad collaboration;
- existing related initiatives. This is the first Tasmanian Disaster Resilience Strategy, but many plans and actions currently contribute to disaster resilience. This Strategy recognises them and aims to build on them;
- challenges and opportunities identified during the preparation of the draft Strategy; and
- definitions, acronyms and additional references.

Potential measures of success to inform continual improvement will be developed once the strategic directions have been agreed.

Disaster resilience relies on:

- interconnected systems, services, policies and plans; and
- broad engagement and collaboration.

## Why focus on disaster resilience?

Many reports have proved the need to focus on disaster resilience.

- Disaster response and recovery costs have risen and will continue to rise. Deloitte forecast natural disaster loss increases of 3.4% a year in Australia so the total cost could be about \$39.3 billion per year by 2050, compared with \$13.2 billion in 2017<sup>1</sup>. For Tasmania, the costs could increase to about \$600 million in 2050. These estimates do not include intangible costs such as social, health, employment and economic impacts.
- Currently about \$1 is spent on reducing disaster risks for every \$10 spent on response and recovery<sup>2</sup>. This ratio is expected to widen if disaster risks are not proactively reduced. Disaster impacts are an increasing contingent liability for governments.

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<sup>1</sup> Deloitte Access Economics, [Building an open platform for natural disaster resilience decisions](#), Australian Business Roundtable for Disaster Resilience and Safer Communities 2014

<sup>2</sup> Australian Business Roundtable for Disaster Resilience & Safer Communities, [Building our Nation's Resilience to Natural Disasters Report Fact Sheet](#), June 2013

- Much of this growth in disasters has been due to climate related events<sup>3</sup>. There is momentum to address the increased risk of disasters and the potential for cascading disaster events<sup>4</sup>.
- People and assets are increasingly vulnerable as populations grow. Direct disaster impacts can have wide-ranging consequences for critical infrastructure and essential services.
- There is a moral imperative to reduce disaster impacts where possible. As well as risks of death, injury and other losses, disaster impacts are a major obstacle to reducing poverty and sharing prosperity. Disasters have long-term, complex social and economic impacts that can span generations. Individual and household disaster impacts threaten macro-level socio-economic stability by affecting employment and economic activity.
- Severe to catastrophic disasters would exceed the capability of current state and territory emergency management (EM) response agencies across Australia no matter how well resourced and capable. Responses to such disasters relies on a cross-sector and whole-of-society approach<sup>5</sup>.
- Disaster resilience measures have benefits even if a disaster does not occur.

The current state of relying on post-disaster funding and focusing on response and recovery:

- encourages high risk behaviour and limits incentives for reducing risk exposure. Reducing risks can reduce the costs of disasters by more than 50%<sup>6</sup>;
- can cause further economic harm by diverting funds from other public programs, including ones that might underpin resilience; and
- affects credit worthiness and investment<sup>7</sup>.

National and international Frameworks, such as the United Nation's Sendai Framework for Disaster Risk Reduction, promote an increased emphasis on managing disaster risk. The Tasmanian Disaster Resilience Strategy focuses on implementing the Sendai Framework in Tasmania and the alignment of plans and actions with such national and international Frameworks. This will help to ensure consistency with other jurisdictions and with established standards of best practice.

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***"Strong evidence suggests that the mere possibility of the future disaster has real impacts on present-day decisions and economic growth... not investing in disaster risk management is a missed opportunity for social, economic and environmental progress."***

- GFDRR and ODI World Bank, [Unlocking the triple dividend of resilience...](#) 2015 p 5

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<sup>3</sup> Moody's Investors Service, *Evaluating potential impacts from climate change on the Australian States*, October 2018, Australian Government, National Resilience Taskforce, [Profiling Australia's Vulnerability](#) 2018

<sup>4</sup> For example, <https://www.apra.gov.au/media-centre/speeches/australias-new-horizon-climate-change-challenges-and-prudential-risk> , <https://asic.gov.au/about-asic/news-centre/speeches/climate-change> 26 March 2019

<sup>5</sup> ANZEMC Community Outcomes and Recovery Sub-committee, *Catastrophic Recovery Planning Project Business Case for Delivery Support*, 2018

<sup>6</sup> Australian Business Roundtable for Disaster Resilience & Safer Communities, [Building our Nation's Resilience to Natural Disasters Report Fact Sheet](#), June 2013

<sup>7</sup> Moody's Investors Service, *Evaluating potential impacts from climate change on the Australian States*, October 2018



## THE TRIPLE DIVIDEND OF RESILIENCE

Disaster risks cause economic and other losses even before a disaster strikes. Investing in reducing disaster risks can contribute to wealth, wellbeing and economic growth - even without disasters occurring. The triple dividend of resilience recognises that reducing disaster risks provides value by

1. **Saving lives and avoiding losses.** However, benefits still accrue from investments, even if a disaster does not occur.
2. **Unlocking economic potential** through stimulating confidence, innovation and economic growth.
3. **Leveraging co-benefits.**

Investing in disaster risk reduction and community resilience contributes to:

- reduced diversion of resources to disaster response and recovery;
- increased local citizen participation, such as volunteering or attending forums;
- increased investment in anticipation of fewer disaster losses; and
- more balanced ecosystems from, for example, fuel reduction burns leading to greater variety of flora and fauna, with flow tourism and other benefits<sup>8</sup>.

## REDUCING RISKS AS AN ENABLER OF ECONOMIC GROWTH

The real or perceived threat of a future disaster can impact on current decisions and economic growth. Reducing these background risks can have immediate economic benefits at all levels. Increased resilience enables more forward looking planning, long term investments and entrepreneurial activity. Disaster resilience measures contribute to development, poverty alleviation and fiscal stability and growth.

If risks are seen to be reduced, studies have shown individuals, households and firms are more likely to take entrepreneurial risks and pursue innovation which can stimulate socio-economic benefits<sup>9</sup>. Measures such as flood protection can enable economic activity, long-term planning and investments. Cities with high risk profiles such as New York, Rotterdam and Singapore use their disaster and climate change resilience achievements to attract investment<sup>10</sup>. Disaster resilience investments protect not only large firms and their assets, but also their workers, suppliers and supply chains, so the entire area can benefit<sup>11</sup>.

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<sup>8</sup> UNISDR's [Words into Action: Implementation guide for local risk reduction and resilience strategies](#), 2018

<sup>9</sup> GFDRR and Overseas Development Institute, World Bank, [Unlocking the triple dividend of resilience: why investing in DRM pays off](#), 2015

<sup>10</sup> Watson et al, [Financing for reducing disaster risk: 10 things you need to know](#), UNDP 2015

<sup>11</sup> GFDRR/ World Bank Group, [Financial protection against natural disasters: An operational framework for disaster risk financing and insurance](#), 2014

## CO-BENEFITS OF DISASTER RESILIENCE INVESTMENTS

Many actions to reduce risks provide benefits beyond reduced disaster impacts. Different measures will provide various levels of benefits and have differing legacies/ timespans. For example, land use planning can greatly reduce risk exposure, but the benefits may not be achieved for some time.

Examples of risk reduction investments	Examples of co-benefits
Building with disaster resilience in mind	Creates employment and flow-on economic benefits, Lower insurance and maintenance costs
Environmental services, such as tree planting	Ecosystem health benefits
Fuel reduction burns	Greater ecosystem diversity
Emergency shelters	Buildings used for multiple community purposes
Flood mitigation measures	Better year-round water supply, improved water sanitation and flow on health benefits
Community training for evacuation/ community involvement in, for example, early warning systems, local risk assessments, planning	Improved social cohesion and connectedness, local community advocacy, inclusiveness and networks, increased volunteering
Protection of business district	Wider supply chain development, and economic growth and diversity
Emergency management volunteering	Increased social connectedness and skill development
Solar electricity as backup power source	Reduced fuel bills and fossil fuel reliance and reduced exposure to international market volatility.

## DISASTERS AS GOVERNMENTS' LARGEST CONTINGENT LIABILITY

Disasters are generally the biggest source of governments' contingent liabilities<sup>12</sup>. Investments in reducing disaster risk also reduce these liabilities. They can help stabilise public finances and allow governments to focus on longer term issues and strategic investments.

Disaster risk reduction and resilience is complex to justify. Disaster recovery costs tend to dominate decisions as they are more immediate and tangible, while the benefits are long term and often less visible. Although methods to appraise the value of risk mitigation investments have improved, they still struggle to adequately price loss of amenities, cultural assets, psychosocial effects and risks to ecosystems.

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*"Strong evidence suggests that the mere possibility of the future disaster has real impacts on present-day decisions and economic growth... not investing in disaster risk management is a missed opportunity for social, economic and environmental progress."*

GFDRR and ODI World Bank, *Unlocking the triple dividend of resilience: why investing in DRM pays off* 2015 p 5

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<sup>12</sup> GFDRR et al, [Unlocking the triple dividend of resilience: why investing in DRM pays off](#), 2015



# Definitions, acronyms and abbreviations

Definitions used in this strategy align with the International Sendai Framework for Disaster Risk Reduction's definitions.

## WHAT DO WE MEAN BY A DISASTER?

A disaster is an event or the threat of an event that endangers human life, property or the environment that needs a significant response.

This definition aligns with definition of emergency in the Emergency Management Act 2006. The Sendai Framework describes the two words as interchangeable although in the context of some hazards or health emergencies can relate to hazardous events that do not result in wider disruption.

Disasters include events such as:

- natural disasters, for example, fire, flood, storms or other extreme weather events, tsunamis; or earthquakes;
- biosecurity hazards;
- pandemics;
- mass casualty events such as terrorism;
- other human induced catastrophes, for example cyberattacks.

The Sendai Framework also includes slow onset disasters, such as landslides, coastal erosion and land or soil degradation and other effects of climate change.

This Strategy applies to all hazards. It focuses on disaster impacts and addressing vulnerabilities through prevention and preparedness activities, rather than the specific causes.

## DISASTER RESILIENCE

Disaster resilience is the ability of all sectors of society and individuals to survive, adapt and thrive in the face of turbulent change or acute stresses<sup>13</sup>. If a community is resilient then everybody is responsible, accountable and works together using evidence to:

- reduce disaster risk; and
- better withstand, recover from and adapt if disasters do occur<sup>14</sup>.

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<sup>13</sup> <https://www.unisdr.org/we/inform/terminology>

<sup>14</sup> Based on Emergency Management Victoria [Resilient Recovery Discussion Paper](#) 2017 p 11 and Torrens Institute descriptions of a resilient community, NSDR p 4 and Barnes 2016 p 11)

Disaster resilience:



Improves the ability of:

- individuals,
- communities,
- businesses government and other organisations

to survive, adapt and thrive in the face of disasters.



Helps reduce the negative impacts of disasters such as:

- deaths, injury and illness,
- number of people affected,
- economic loss,
- damage to community assets.

In order to thrive, communities need to learn and adjust to be resilient to disasters.

## REDUCING VULNERABILITY TO STRENGTHEN RESILIENCE

Resilience relies on understanding and appreciating individual and shared vulnerabilities<sup>15</sup>. Increasing resilience means reducing vulnerabilities of:

- people;
- land use and the built environment; and
- the systems and networks that connect us.

Vulnerability refers to the susceptibility of individuals, communities, assets or systems to the impact of hazards due to physical, social, economic and/or environmental factors<sup>16</sup>. This Strategy recognises individuals are both resilient and vulnerable, as are the systems that connect our communities and economies. Disasters expose or exacerbate both individual and collective vulnerabilities.

## DISASTER RESILIENCE AND EMERGENCY MANAGEMENT

EM is the organisation, planning and application of measures for responding to and recovering from emergencies<sup>17</sup>. While both EM and disaster resilience cover the whole Prevention, Preparation, Response, Recovery (PPRR) spectrum, disaster resilience focuses on prevention and preparedness, and EM on response and recovery. As the relationship between the parts of the PPRR spectrum are closely intertwined, disaster resilience and EM complement each other.

EM also focuses primarily on specialists' responsibilities while disaster resilience recognises everyone has a part to play. The Disaster Resilience Strategy provides a vision and directions that complement the Tasmanian Emergency Management Arrangements (TEMA), which operationalise formal arrangements under the *Emergency Management Act 2006*.

## TASMANIA'S EMERGENCY MANAGEMENT (EM) SECTOR

Tasmania's EM sector includes specialist individuals and organisations responsible for response and/or relief and recovery support. They also enable and support prevention and preparedness actions. The sector includes:

<sup>15</sup> Australian Government, National Resilience Taskforce, [Profiling Australia's Vulnerability](#) 2018

<sup>16</sup> Ibid

<sup>17</sup> AIDR, *Australian Emergency Management Arrangements, Australian Disaster Resilience Handbook Collection* (Handbook 9, final draft Match 2019)

- Response Management Authorities, such as the Department of Police, Fire and Emergency Management (DPFEM)'s State Emergency Service (SES) and Tasmania Fire Service (TFS), the Department of Primary Industries, Parks, Water and Environment (DPIPWE)'s Parks and Wildlife Service (PWS) and Biosecurity, Sustainable Timber Tasmania, Tasmania Police, Ambulance Tasmania, Hospitals; and
- secondary or support areas, such as Public Health and other health areas, local councils, Bureau of Meteorology (BoM), Mineral Resources Tasmania, the Department of Communities Tasmania (Communities Tasmania), the Department of Premier and Cabinet (DPAC), the Department of State Growth (State Growth), DPIPWE, non-government organisations (NGOs), interoperability staff, specialised EM staff in other organisations.

## EVERYBODY – INDIVIDUALS, ORGANISATIONS, COMMUNITIES

Everybody, in the context of this Disaster Resilience Strategy, means all individuals, households, landowners, businesses, government agencies and other organisations, industry, the community sector and local and other communities. All government agencies, private businesses and other organisations and their employees have a role in disaster resilience.

## CONSISTENT TERMINOLOGY, ACRONYMS AND ABBREVIATIONS

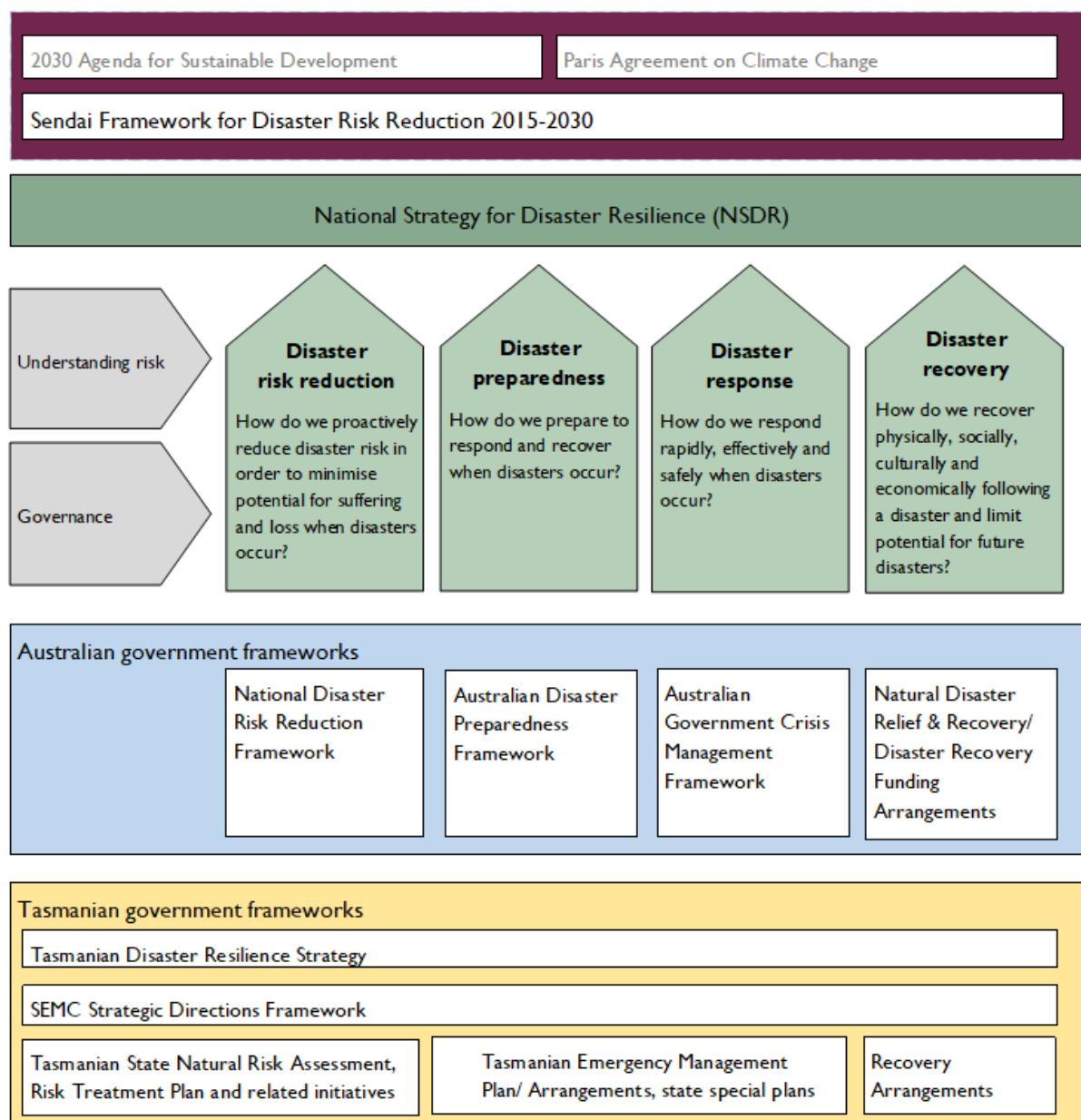
The following terms are used in line with the definitions in the Sendai Framework:

build back better, capacity and capability, contingency planning, disaster and emergency, disaster risk, governance, risk management, risk reduction, early warning system, economic loss, evacuation, exposure, hazard, mitigation, preparedness, prevention, reconstruction, recovery, rehabilitation, resilience, response, risk transfer, vulnerability.

The acronyms and abbreviations used in this document are provided in Appendix I.

# Scope and context

Disaster resilience underpins the whole PPRR spectrum for emergency management. However, in line with national and international frameworks the primary focus is on risk reduction and preparedness. The Strategy aims to identify and address gaps, barriers or issues from a whole of system perspective to form detailed priorities to implement the *Sendai Framework* and the National Strategy for Disaster Resilience (NSDR) and the National Disaster Risk Reduction Framework (NDRRF) in Tasmania.



Adapted from Draft National Resilience Policy Architecture ANZEMC Meeting 19 December 2019

Most other Australian states and New Zealand have or are developing disaster resilience strategies.



Tasmania's approach to disaster resilience is aligned with national and international strategic frameworks. As outlined by the United Nation's Sendai Framework, disaster resilience relies on:

- **Understanding** risks, threats and vulnerabilities by people who can take measures to prevent, mitigate or plan for those risks
- **Governance** outlining clear responsibilities and enabling a coordinated and collaborative approach
- **Risk reduction** measures to prevent or mitigate threats or vulnerabilities
- **Preparation** to respond and recover from disasters when they do occur.

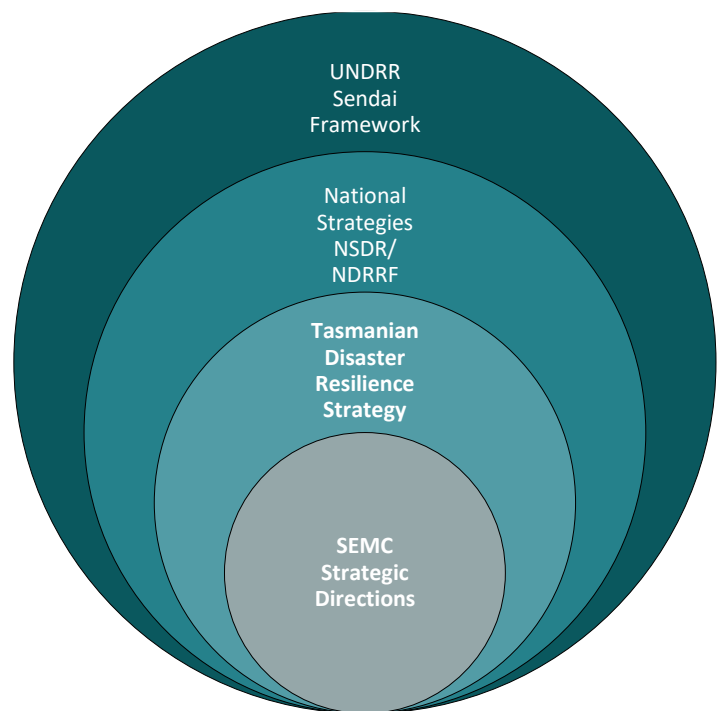
This *Tasmanian Disaster Resilience Strategy* and related actions are part of a complex system that includes:

- national frameworks, plans and initiatives;
- ongoing Tasmanian Government agency plans and actions, for example risk management in facilities services, protective security measures and business continuity planning;
- local government initiatives and plans;
- NGO and local community initiatives.

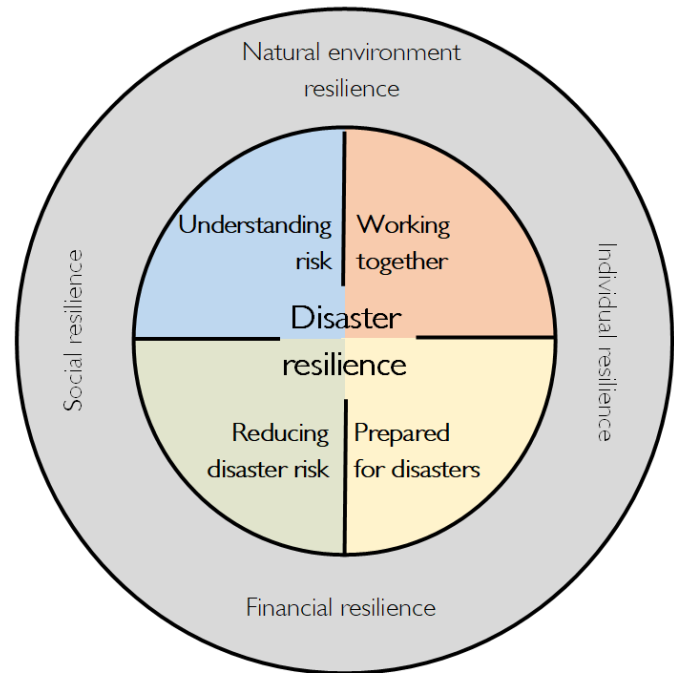
The Tasmanian Disaster Resilience Strategy ensures a cohesive approach across Tasmanian Government actions and policies, as well as providing strategic leadership at all levels of government and across sectors. This Strategy envisages the Tasmanian Government working in collaboration with all levels of government, business and non-government sectors and local communities to continually enhance the State's resilience to disasters. The State Emergency Management Committee (SEMC) oversees the Tasmanian Government's strategies and actions relating to emergencies.

Although outside the scope of this strategy, there are close links between disaster resilience and other types of resilience that rely on:

- **Natural environment resilience** – for example, topography, geology, water assets;
- **Social resilience** - for example, norms, values, culture, social connectedness;



- **Human resilience** –individual knowledge, skills, physical and mental health which enable them to take part in society;
- **Financial and physical resilience** – for example, houses, roads, buildings, hospitals and financial assets supporting the economy and communities.





# A disaster resilient Tasmania

The *Tasmanian Disaster Resilience Strategy* has a vision which is underpinned by four goals.

## The Vision

Using available data and evidence, everyone works together to reduce their disaster risk, to prepare to withstand and adapt to disasters.

## The Goals

The four goals that underpin this vision are:

- 1 **Understanding disaster risks** - everyone understands the disaster risks affecting them.
- 2 **Working together** - everyone plays their part in reducing and preparing for disaster risks.
- 3 **Reducing disaster risks** - if possible, everyone reduces action risk in ways that have everyday benefits, even if a disaster does not happen.
- 4 **Prepared for disasters** - if a disaster does occur, everyone knows what to do and can do it.

<b>1. Understanding disaster risks</b> Goal: Everyone understands disaster risks affecting them.  What success looks like: <ul style="list-style-type: none"><li>• There is relevant, accessible and useful data and research.</li><li>• Everyone is aware of the risks affecting them.</li><li>• Tasmanians are supported and empowered to manage disaster risk.</li><li>• Everyone prioritises and manages risk affecting them based on evidence.</li></ul>	Using available data and evidence
<b>2. Working together</b> Goal: Everyone plays their part in reducing and preparing for disaster risks.  What success looks like: <ul style="list-style-type: none"><li>• Everyone plays their part in reducing and preparing for disaster risks.</li><li>• All parties collaborate to ensure cohesive action.</li><li>• All levels of government work together and with others for continual improvement.</li><li>• Available resources are strategically allocated in line with risk based priorities.</li></ul>	everyone works together to

<p><b>3. Reducing disaster risk</b></p> <p>Goal: If possible, everyone reduces disaster risk in ways that have everyday benefits, even if a disaster does not happen.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• Land use and the development of the built environment manages long-term vulnerabilities.</li> <li>• Critical infrastructure and services are reliable and operational during and after disasters.</li> <li>• Everyone mainstreams disaster risk reduction to leverage everyday well-being and economic benefits where possible.</li> <li>• Prioritised key industry, economic, social, natural and cultural asset protection.</li> </ul>	reduce their disaster risks to
<p><b>4. Prepared for disasters</b></p> <p>Goal: If a disaster does occur, everyone knows what to do and can do it.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• Individuals, organisations and communities are prepared for disasters.</li> <li>• Tasmania's emergency management sector has plans and other arrangements ready to respond.</li> <li>• Tasmania's emergency management sector can capably respond and enable relief and recovery.</li> <li>• Relief and recovery support facilitates long-term disaster resilience.</li> </ul>	prepare to withstand and adapt

The following sections of the paper focus on the four goals, what success looks like, the strategies to progress the goals, the current actions related to the strategies and the challenges and opportunities identified during the development of the draft Tasmanian Disaster Resilience Strategy.

# I. Understanding disaster risk

**Goal I: Understanding disaster risk** - everyone understands the disaster risks affecting them.

Evidence and understanding of risks, threats and vulnerabilities must drive disaster resilience decisions and actions. Effective risk reduction and preparedness relies on robust and useful information. Many different players collect, collate and provide access to risk data for different audiences.

Individuals, households, landowners, businesses, government agencies and other organisations need to appreciate and understand the risks affecting them, and have the capacity to act on that knowledge. Everyone's understanding of risk, threats and vulnerabilities, and their engagement with and capability to address these issues, underpins disaster resilience actions.

The goal is that everybody understands the risks affecting them and their potential impacts based on sound evidence. That is there is informed risk management underpinned by everyone's awareness, capacity and engagement. This is based on:

- I.1 useful data and research;
- I.2 risk awareness, capacity and engagement;
- I.3 Tasmanians being supported and empowered; and
- I.4 informed risk management.

## I.1 Useful data and research

### What success looks like

There is relevant, accessible and useful risk related data and research.

### Strategy

*Improve the quality, scope, usefulness and accessibility of risk and hazard information and analysis.*

### The Tasmanian Government will work with others to:

- continue to fill priority data and knowledge gaps;
- improved prioritisation measures for risks, hazards and vulnerabilities across hazards; and
- continue to improve integrated access to natural disaster information.

## Scope and rationale

Data needs to be fit for many purposes, regularly updated and provided in a useful form. Disaster risk assessment, prioritisation, treatments and their review relies on quality, up-to-date, practical, and accessible foundational hazard and impact data and analysis. The data are used by many groups including all levels of government, businesses and other organisations, communities, individuals and households.

## Current actions related to this strategy

There are many initiatives that currently complement this strategy, with many parties already providing data for a wide range of audiences.

Data type and examples		Example data custodians <sup>18</sup>
Foundational data	Demographics	Australian Bureau of Statistics (ABS)
	Topography	DPIPWE Bathymetry Geological - Geoscience Australia Elevation data - state, local government and private firms Vegetation – TERN (Terrestrial Ecosystem Research Network)
	Weather	Bureau of Meteorology, tide gauges - local government
	Asset location/ characteristics	Housing location, Australian Bureau of Statistics (ABS), Australia Post, Public Sector Mapping Agencies, Local governments, private firms, critical infrastructure services DPIPWE
Hazard data	Flood/ Bushfire/ Landslide mapping Coastal Hazards, Man-made hazards	Emergency response agencies, local government, private firms Wind hazards - Australian building codes board, Levee mapping - local governments, private firms, researchers Flood maps - local governments, Geoscience Australia, Tasmanian Government, Insurance Council of Australia Man-made hazards – law enforcement and intelligence agency threat assessments Geological hazard mapping – Mineral Resources Tasmania
Impact data	Costs and damage Current and future value at risk	Losses - Emergency Management Australia, Tasmanian Government, Earthquake impact assessment on critical facilities – Geoscience Australia Insured losses - industry bodies, insurers, Tasmanian Risk Management Fund Climate change risk assessments – eg Climate Futures Report Post event health data – Tasmanian Department of Health Impact on livelihood- Centrelink Essential services impact- Private firms, Government Business Enterprises, State Growth, research bodies

<sup>18</sup> Derived from Deloitte Access Economics, [Building an open platform for natural disaster resilience decisions](#), 2014, pp34-36

		<p>Tasmanian Government Department of Police, Fire and Emergency Management, Department of Primary Industries, Parks, Water and Environment and the Department of State Growth capture Damage and Impact Assessment data</p> <p>Local Government Impact and Damage Assessment</p>
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## Internationally and nationally

- UNDRR initiatives, for example, international assessments of risk.
- [National Emergency Risk Assessment Guidelines](#) aligned with AS/NZS ISO 31000 (2018).
- Natural hazard, impact and risk assessments by [Geoscience Australia](#).
- Emergency Management LINK (EM-LINK) for geospatial regional data (Australian Government Department of Home Affairs).
- Australian Government Department of Health publications, for example, [Environmental Health Risk Assessment and Exposure Factor Guide](#).
- Australian law enforcement and intelligence agencies terrorism threat assessments.
- [Australian Cyber Security Centre](#) (ACSC) in the Australian Signals Directorate collaborates with the private and public sector to share information on threats.
- 2010 Australian Government declaration of open government, open data standards.
- [National Monitoring and Evaluation Framework](#) (2016)
- [National Exposure Information System](#) (NEXIS) (GeoScience Australia)
- [Australian Vulnerability Profile](#) (Emergency Management Australia/ National Resilience Taskforce/ CSIRO 2019)
- [Bushfire and Natural Hazard Co-operative Research Centre](#)
- [National Climate Change Adaptation Research Facility](#) and [Climate Futures project](#)
- [Terrestrial Ecosystem Research Network \(TERN\)](#)
- Other Australian Government research capabilities, for example, the [Bureau of Meteorology](#), [Australian Cyber Security Centre](#).
- Australasian Fire and Emergency Services Authorities Council (AFAC) reports, for example, [Climate Change and the Emergency Management Sector](#).
- Insurance Council of Australia programs, such as [Building resilience](#) property risk assessment.
- <https://www.healthmap.org/en/> to track and inform about global health issues such as emergent pandemics (Boston Children's Hospital).
- University of Tasmania and other Australian research institutions' relevant research.
- External industry group research and reports, for example, the [Business Roundtable](#).
- [PreventionWeb](#) - international platform for disaster risk reduction knowledge sharing.

## Tasmania

- [Tasmanian State Natural Risk Assessment](#) (TSNDRA) 2016 plus Risk Treatment Plans covering pandemic and heatwaves as well as other natural disasters.
- Land Information System Tasmania (LISTMap)/ Common Operating Platform (COP) – web based mapping application with aggregated spatial data supporting all aspects of the PPRR spectrum (DPIPWE).
- DPIPWE's [Bushfire Risk Assessment Model](#) (BRAM) - conducted annually.
- TFS annual dynamic risk assessment modelling and relative risk modelling by the Bushfire Risk Unit, to inform [Fire Protection Plans](#) covering all areas of the State.
- The [Tasmanian Climate Action Plan 2017-2021](#) - Work is underway to understand interdependencies between natural hazards and their causes, including climate change. Through this Plan, the Tasmanian Government supports the activities of the National Climate Change Centre.
- [Climate Futures](#) reports (Antarctic Climate and Ecosystems Cooperative Research Centre).
- Tsunami risk assessment, [Coastal Hazards Report](#) and related work underway by SES/ DPAC's Tasmanian Climate Change Office (TCCO) on taking a statewide approach to managing coastal hazard issues.
- DPIPWE's [Biosecurity Tasmania](#) ongoing risk assessments.
- [Tasmanian Landslide Map Series](#) (Mineral Resources Tasmania)
- Tasmanian Flood Map Project – LIDAR Capture
- [Flood Plain Risk Assessment Guidelines](#) (SES 2016) and NPA funded local flood plain mapping projects 2016-2018, Establishment of Flood Policy Unit 2018.
- [Communicable Diseases Prevention Unit](#) within Public Health Services' surveillance and investigation of notifiable diseases and emerging threats.
- [Coordination of the statewide immunisation strategy by Public Health Services.](#)
- [Public Health Services'](#) environmental health risk assessment and management including water quality monitoring and programs for waste management, surveillance of food borne illness.
- Tasmania Police's [Special Response and Counter Terrorism Command](#) research and policy advice on counter-terrorism security issues.
- Internal Tasmanian Government capabilities in DPAC, DPIPWE, DPFEM, Department of Health (DoH) to assess specific areas of risk and SES's role in overseeing statewide risk assessments and treatment plans plus associated skills and expertise.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There are some data gaps, for example, mapping of flood risks and bushfire risk zones (underway) and historic impact data.
- There is scope to further consider emerging risks.
- Dissemination of data in easy to use formats could be enhanced.



- Consistent, reliable and useful disaster impact data with clear relevance is a current gap.
- Impact data analysis capacity within government is challenging for extended or widespread events.
- Intellectual property rights need consideration if private sector is further engaged.
- Effective capture and use of local and Aboriginal knowledge could be enhanced.
- Multiple agencies facilitate information on some hazards. For example, air quality monitoring and advice involves BoM, DPIPWE's Environment Protection Authority, DoH's Public Health and DPFEM's TFS. While arrangements work, they can be cumbersome and are not sustainable for longer periods.

Ideas identified during the development of the draft Strategy included:

- Extend 2020 TSNDRA to other hazards as resources allow.
- Continue to enhance and extend LISTMap / COP/ Geographic Information System (GIS) to enable more integrated and easier access to geographical risk data.
- Develop a disaster risk data sharing and access policy.
- Explore decision support tools.
- Improvements to impact and damage assessment processes.
- Further explore potential emerging risks and their impacts. This may include policy or governance issues as well as research and data analysis.

## I.2 Risk awareness, capacity and engagement

### What success looks like

Everyone is aware of and understands the risks affecting them.

### Strategy

*Enable and encourage Tasmanians to access and use risk and hazard information and support.*

### The Tasmanian Government will work with others to:

- improve the accessibility of risk data and analysis for non-specialists and their diverse needs;
- link local risk information to practical guidance on how to manage risks and prepare; and
- promote risk awareness in ways that suit individual, community and group diverse needs.

### Scope and rationale

While Tasmanians are resilient, a common issue raised through consultation was that there are many who lack awareness of the disaster risks affecting them, including climate change risks. For example, people may purchase property without understanding the risks associated with that property. Disaster

resilience relies on shared and defined responsibilities in managing disaster risks and preparing for disasters.

Often those with experience of a significant disaster event have much greater awareness of risks and threats, and are more likely to take measures to reduce their vulnerability. Ideally, people should be able to gain awareness of potential disaster consequences without the negative experience.

Risk awareness, capacity and engagement includes:

- access to practical and fit-for-purpose information meeting the diverse needs of non-specialist individuals and groups;
- public awareness campaigns;
- inclusion of risk awareness in school education and professional training; and
- local collaboration to help disseminate risk information.

## Current actions related to this strategy

- [UN International Day for Disaster Reduction](#) (13 October)
- [National Security website](#) including the National Terrorism Threat Advisory System and guidance.
- The [Australian Cyber Security Centre](#) (ACSC) aims to raise awareness of cyber security. For example [Stay Smart Online](#) is aimed at the broader community.
- Australian Prudential Regulation Authority (APRA), [Climate Change: Awareness to action](#) (2019)
- [www.iplan.tas.gov.au](http://www.iplan.tas.gov.au) – maps hazard such as bushfires, landslides and coastal erosion.
- Risk Ready initiative to enable easier non-specialist access to location specific risk data plus linked practical advice.
- Hazard specific public awareness campaigns, for example, TFS's annual bushfire preparedness, SES and BOM extreme weather events, Public Health information, TasALERT Get Ready pages, Land Tasmania natural values and land use risk register.
- Councils take measures to inform ratepayers of disaster risks. For example, some councils include hazard information on rates notices.
- Visitor information support measures such as brochures and other information for travelers during bushfire events, and visitor information centre staff training.

## Children and school education

- [Disaster Resilient Australia – New Zealand School Education Network](#) (DRANZSEN)
- The Australian Emergency Management Institute's [Li'l Iarrikins natural hazards program](#)
- [Building best practice in child-centred risk reduction](#) (Bushfires & Natural Hazards CRC)
- Tasmanian Disaster Resilience Education Tasmania curriculum resources for grades 5-8.
- TFS's [Disaster resilient school fire safety education programs](#)

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There is uneven understanding of disaster risks and application of that knowledge. While many underestimate risks, there can also be unreasonable fears that need to be managed.
- There is a need to ensure clear and consistent messaging across services.
- Specific awareness programs or school curriculum resources focused on youth are limited.
- There are competing pressures on the school curriculum. While the Department of Education (DoE) should be part of the solution for community awareness, it cannot lead it without changes to resourcing and strategic goals.
- There is scope to improve the accessibility of hazard/ risk data available on the LIST.
- People new to Tasmania and travelers often lack awareness of local disaster risks.

During consultation people raised the following ideas.

- Further embed disaster safety, risk reduction and preparedness in the Tasmanian School Curriculum through learning resources that support core educational outcomes such as literacy, numeracy, science and/or history.
- Develop focused awareness and engagement campaigns on youth who tend to lack experience of disaster events and efforts can have greater long-term benefits.
- Enable collaborative networks and governance to facilitate integrated, clear and consistent messaging to support public awareness of disaster risks.
- Implement and extend the 'Risk Ready' initiative/ extend the LIST Premium Property Report to cover hazards/ extend usage of [izone.tas.gov.au](http://izone.tas.gov.au) to enable easier access to property specific risk data.
- Consider further models to highlight risk exposures to property buyers and renters, for example the Victorian inclusion of risk information on vendor statements.
- Provide information for tourists, overseas students and migrants in languages other than English.
- Promote great examples of risk reduction and preparedness.
- Use internal Tasmanian Government information mechanisms to disseminate information about disaster risk reduction and preparedness cost effectively. Pursue opportunities to encourage other large employers or industry groups to do likewise.
- Disseminate stories about past local disaster events and their impacts.

## I.3 Tasmanians are supported and empowered

### What success looks like

Tasmanians are supported and empowered to manage disaster risks.

### Strategy to achieve the vision

*Enable inclusive community capacity building programs across all hazards to suit local and individual needs.*

## The Tasmanian Government will work with others to:

- facilitate inclusive policies and programs based on community engagement, awareness and local or individual needs to ensure broad understanding of disaster risks and risk management across all hazards.

## Scope and rationale

Tasmanians need the skills and knowledge to manage risks relevant to them. This includes:

- building everybody's risk awareness and risk reduction knowledge and skills through inclusive policies to suit specific needs and address individual and local community vulnerability, capacity and exposure to risk;
- incorporating disaster risk awareness and risk management knowledge into formal and non-formal education, professional development and other training; and
- applying risk information to reducing disaster risks and preparedness.

This recognises that many Tasmanians have specific needs, for example language or literacy issues, mobility or other health issues, as well as local risk factors.

Community awareness and understanding of risks, and the capacity to act upon that knowledge was a major theme during early strategy consultations.

Local councils directly support their communities through a variety of measures, but also welcome support to enable these activities.

## Current actions related to this strategy

### Local councils and communities

- UNDRR [My city is getting ready](#) program for urban councils.
- [100 Resilient Cities program](#) initiated by the Rockefeller Foundation to assist cities worldwide to become more resilient.
- [AIDR National Resilience Handbook Collection](#)
- Funding mechanisms for local government through NPA initiatives.

### Businesses and organisations

- Australian Government [Good Business Guide: Organisational Resilience](#) (2016)
- Australian Government [Risky Business - a resource to help local governments manage environmental health risks](#) (2012)
- Business and enterprise support such as
  - State Growth's Business Tasmania workshops and online information resources;
  - DPIPWE's biosecurity planning support; and
  - DPIPWE Agrigrowth support for farms.

### Individuals, households and landowners

- Not for profit support initiatives such as Red Cross Rediplan accessible via [TasALERT](#)

- Local councils coordinate significant community resilience building activities, such as property preparation workshops, community forums and field days.
- The Revision of the *Emergency Management Framework for Vulnerable People* project focuses on ensuring inclusive support covering diverse needs.

## Tasmania

- TFS's Bushfire Ready Neighbourhoods program
- JFlip program – a juvenile arson prevention initiative program initiated from court orders.
- Project Wakeup – facilitating fire alert systems for hearing impaired, infirm and others.
- Building community resilience in relation to floods projects (2014-16).
- Many councils provide emergency advice and support for residents, for example, the Hobart City Council.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There is uneven community awareness and perceptions of risk.
- Tasmanian community demographic factors impact on individual and collective vulnerabilities. Such factors include an aging population, literacy levels, educational attainment, social engagement or isolation, employment levels, access to health, transport and other services.
- While there are current programs focusing on primary aged school students, there are limited education programs for high school and college students.
- Understanding/ awareness across all Government agencies.
- There is scope to leverage government and non-government community based organisations as conduits into local communities, particularly in rural and remote areas.

Ideas raised during the development of the draft Strategy included:

- Extend current hazard specific community engagement and hazard awareness programs to other hazards.
- Further promote available tools and resources.
- Enable mechanisms to include disaster resilience considerations in support programs for people with specific needs.
- Enable measures to ensure emergency management programs meet diverse or specific needs, for example literacy, mobility or health vulnerabilities.
- Partner with government and non-government community-based organisations to facilitate delivery of or awareness of disaster resilience related information and services.

# 1.4 Informed risk management

## What success looks like

Everyone prioritises and manages risks affecting them based on evidence.

## Strategy

*Encourage and enable all parties to reduce their risks and vulnerabilities based on sound evidence and clear priorities.*

### The Tasmanian Government will work with others to:

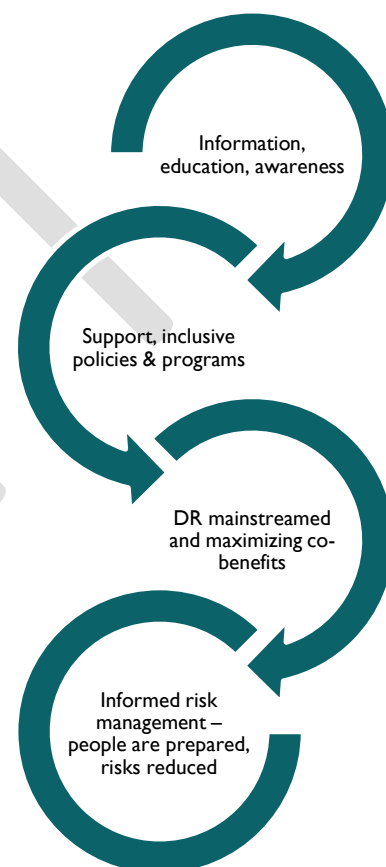
- Ensure decision-makers have access to relevant risk information to inform decision making;
- Support councils to manage local risks through local plans, operations and policies.

## Scope and rationale

Tasmanians need to manage risks relevant to them through understanding available data and other evidence. This includes:

- building everybody's risk awareness and risk reduction knowledge through inclusive policies to suit specific needs and address people's vulnerability, capacity and exposure to risk;
- incorporating disaster risk awareness and risk management knowledge into formal and non-formal education, professional development and other training;
- applying risk information to reduce disaster risks; and
- local collaboration to help disseminate risk information.

Community awareness and understanding of risks, and the capacity and willingness to act upon that knowledge was a major theme during strategy consultations.



## Current actions related to this strategy

In addition to initiatives already mentioned:

- SES, regional and municipal risk treatment plans, [Tasmanian Emergency Risks Assessment Guidelines](#) (TERAG) 2017
- Tasmanian [Climate Change Action Plan](#) and Australian Government [Climate Compass](#)
- [Australia's Strategy for Protecting Crowded Places from Terrorism](#) (Australian Government )
- [AustCyber](#) aims to support the development of a vibrant and globally competitive Australian cyber security sector.
- Tasmanian Government agency risk management plans
- Many Tasmanian businesses and other organisations, households and individuals actively manage disaster risks affecting them.



## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There is uneven or siloed risk treatment plans across local areas and sectors.
- Capability and capacity to include cybersecurity as a component of risk management is noted as a gap in many organisations.
- While local councils have considerable disaster risk management and preparedness responsibilities, many councils lack resources and require support.
- There are complexities in assessing priorities across hazards.

Ideas identified during the development of the draft Strategy included:

- Explore decision support tools for risk treatment planning.
- Extend hazard specific models for community education to other hazards.
- Further encourage Tasmanian small businesses to actively manage disaster risk.
- Explore and pursue measures to address risks raised by the *Climate Futures* report.

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*"During disasters when the available emergency service response is overwhelmed, it will be the effectiveness of risk reduction measures and individual, household and community resilience which will determine the community impact and ability to not only bounce back, but progress forward."*

- AFAC Strategic Directions 2017-2021 p 5

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## 2. Working together

**Goal 2: Working together** - everyone plays their part in reducing and preparing for disaster risks.

Disaster resilience actions operate in a complex and rich environment that includes many different players. The goal is that there are shared responsibilities, collaborative networks and governance enabling strategic resource use. In such an environment, it is critical that

- 2.1 everyone plays their part in reducing and preparing for disaster risks. All parties have clearly understood and agreed accountabilities across all sectors and levels;
- 2.2 all parties collaborate to ensure cohesive action;
- 2.3 all levels of government work together and with each other for continual improvement); and
- 2.4 available resources are strategically allocated in line with risk based priorities.

Governance is a complex but key issue for disaster resilience<sup>19</sup>. All parties need to be consulted and not just informed, with an emphasis on working with rather than providing services to people.

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*There is a need for a new focus on shared responsibility; one where political leaders, governments, business and community leaders, and the not-for-profit sector all adopt increased or improved emergency management and advisory roles, and contribute to achieving integrated and coordinated disaster resilience.*

*In turn, communities, individuals and households need to take greater responsibility for their own safety and act on information, advice and other cues provided before, during and after a disaster.*

- National Strategy for Disaster Resilience 2011 page 2

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*"Disaster resilience is the collective responsibility of all sectors of society, including all levels of government, business, the non-government sector, and individuals."*

- COAG National Strategy for Resilience Statement 2009

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<sup>19</sup> UNISDR, [Governance in Disaster Risk Management](#) AIRDR Project Report No 3 2014

## 2.1 Sharing responsibilities

### What success looks like

Everyone plays their part in reducing and preparing for disaster risks.

### Strategy

*Ensure there are agreed shared roles and responsibilities across all sectors.*

### The Tasmanian Government will work with others to:

- clarify and communicate responsibilities for individuals, landowners, businesses and other organisations to reduce risks and be prepared for disasters; and
- clarify responsibilities regarding slow onset disasters.

### Scope and rationale

Everyone contributes to Tasmania's disaster resilience for individual and collective benefits including:

- individuals and households;
- businesses and other organisations;
- communities;
- NGOs; and
- governments at all levels and across all sectors.

As outlined in the [NSDR](#), disaster resilience relies on individuals, households, businesses and other organisations understanding and acting on risks that affect them and their communities.

Sharing responsibilities is an ongoing collaborative process, rather than a defined or definite end point<sup>20</sup>. While the vision of shared responsibility is a common vision in Australia, in practice when it comes to sharing responsibility there are diverse, overlapping and interacting challenges. Disaster resilience actions operate in a complex environment with many players. In such an environment, it is critical that all parties have understood and agreed accountabilities<sup>21</sup>. Responsibilities include facets such as obligation, accountability, trustworthiness and causality. If these responsibilities are inadequately agreed and understood, various parties are blamed for not meeting their assumed responsibilities. While detailed consideration of disaster resilience responsibilities includes issues such as the contractual relationship between the state and its citizens, multiple interpretations of responsibilities and the relationship between rights and responsibilities, in practice questions of resilience can usefully consider the following:

- In a catastrophic disaster, it is unlikely the EM sector will have the capacity to be everywhere for everyone, no matter how well resourced and capable. What should people do to ensure their individual and collective safety and minimise potential loss beforehand?

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<sup>20</sup> McLennan B and Handmer J, [Sharing responsibility in Australian Disaster Management](#), RMIT University 2014

<sup>21</sup> Ibid

- The EM sector has clear responsibilities across the PPRR spectrum. To what degree should individuals have the right to expect the EM sector to respond to disaster impacts that were caused or exacerbated by poor decisions or a lack of action on their part?

## Current actions related to this strategy

All levels of government have disaster resilience obligations, as outlined in the:

- [National Partnership Agreement for Natural Disaster Resilience](#) (2017) to implement the NSDR
- Australian Government's [Critical Infrastructure Strategy](#) (2015); and
- [National Climate Resilience and Adaptation Strategy](#) (2015).

The [Principles for the consideration of natural hazards](#) (2013) outline key responsibilities, namely:

- private natural hazard risks are the responsibility of individuals and business;
- governments encourage public and private risks to be factored into investment decisions;
- governments can support individuals to understand and manage private risks and how those risks may change in future;
- governments should ensure that private investment minimises unacceptable public risk; and
- governments should avoid investment, regulation, zoning, or policy that gives rise to unacceptable public or private risks.

The TEMA specifies key accountabilities within government. For example, Regional Emergency Management Committees (REMCs) and Municipal Emergency Management Committees (MEMCs) are responsible for researching, assessing and acting on local risks. State Special Emergency Management Plans (SSEMPs) cover responsibilities, accountabilities and governance structures in relation to specific hazards.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- Not all Tasmanians actively reduce risks and are prepared for disasters.
- Responsibilities for disaster resilience within and beyond government are not always clearly defined.

Ideas identified during the development of the draft Strategy included:

- Collaboratively clarify responsibilities through TEMA, SSEMPs, the disaster resilience strategy and other means as needed.
- Related public awareness and community engagement campaigns.
- Clarify responsibilities around disaster clean up, for example, debris and carcasses in river systems, limitations of responsibilities around asbestos removal or soil remediation and rights eg gravel and stone removal post floods.

## 2.2 Collaborative networks and governance

### What success looks like

All parties collaborate to ensure cohesive action.

### Strategy to achieve the vision

*Facilitate and support collaborative cross-sector networks and governance structures.*

### The Tasmanian Government will work with others to:

- renew and maintain effective committees and other collaborative networks across sectors and levels of government to facilitate continual improvement; and
- encourage private/ public partnerships for community disaster resilience benefits.

### Scope and rationale

Disaster governance is itself a potential path for risk reduction. Weak governance structures are a risk driver<sup>22</sup>. Governance needs to account for the complex disaster resilience stakeholder context and be inclusive, cooperative and flexible<sup>23</sup>. Collaborative networks including not-for-profit, community and industry organisations enable cohesive action.

NGOs play an important role in relief and recovery. Some also provide practical guidance and support to help people with diverse needs to prepare.

Disaster risk reduction and other resilience actions must include businesses as private investment largely determines disaster risk. The private sector accounts for between 70% to 85% of overall investment in most economies<sup>24</sup>. Land use, building and other infrastructure spending, supply chain resilience and other factors determined by the private sector can shape overall community disaster resilience. Disaster resilience also provides value to businesses by:

- ensuring business continuity, competitiveness and sustainability;
- supporting a stable environment by reducing social and economic vulnerability;
- protecting employees and their communities; and
- safeguarding long-term investments<sup>25</sup>.

### Current actions related to this strategy

Current national and state government disaster resilience responsibilities reflect those for disaster response and recovery, as outlined in the TEMA. The SEMC's subcommittee structures aim to enable a holistic approach where all parties accept their role in EM as well as their responsibilities in mitigating risk. Other parties are engaged via REMCs and MEMCs. There are other related governance structures not linked with the SEMC, such as the Climate Change Interdepartmental

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<sup>22</sup> <https://www.preventionweb.net/risk/weak-governance>

<sup>23</sup> Ibid

<sup>24</sup> UNISDR [Disaster Risk Reduction Private Sector Partnership: Post 2015 Framework - Private Sector Blueprint](#) 2015

<sup>25</sup> Ibid

Committee. Under the [Fire Service Act 1979](#), the State Fire Management Council and associated Fire Management Area Committees oversee fire related disaster resilience plans and actions.

Non-government entities such as NGO community partners and critical infrastructure providers are included via REMCs, MEMCs, Social Recovery Committees, Critical Infrastructure Committees, the Recovery Partners Network and other structures.

The [Joint Cyber Security Centre \(JCSC\) program](#) enhances collaboration between business, government, academia and others on cyber security.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- Current SEMC governance reflect previous national and international policy priorities and structures.
- Some connections between SEMC and related governance structures are not clear.
- There is scope to further develop SEMC's cybersecurity governance capabilities.
- There are some gaps in representation within current collaborative networks.

Ideas identified during the development of the draft Strategy included:

- Renew and maintain SEMC subcommittees and working groups to provide strategic oversight and expert advice on disaster resilience for specific outcomes.
- Facilitate collaborative networks with the private sector, NGOs and other partners.

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*Resilience in the face of natural disasters... is often held as a defining Australian characteristic... However, decisions and choices made throughout history about where communities and infrastructure are placed, and our increasing reliance on systems, have inadvertently contributed to an erosion of resilience.*

*Resilience is not a given, especially in a rapidly changing natural environment....Against this backdrop, catastrophic consequences from natural hazards intersecting with societies are not only possible but are highly plausible, and their effects will likely exceed the capacity of the nation. The consequential damage, loss and suffering would be immense and enduring.*

- Australian Government, National Resilience Taskforce, [Profiling Australia's Vulnerability](#) 2018 page 9

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## 2.3 Governments working together

### What success looks like

All levels of government work together and with others for continual improvement.

### Strategy

*Tasmanian, Australian and local governments collaborate to facilitate state, national and local disaster resilience continual improvements.*

### The Tasmanian Government will work with others to:

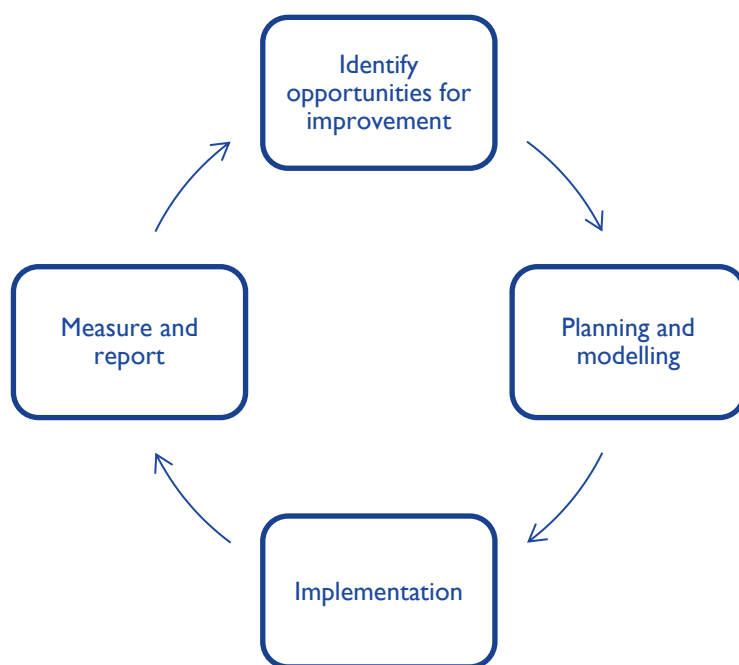
- contribute to local, national and international strategic directions and initiatives;
- support local councils in managing risks, disaster preparation and recovery;
- enable continuous improvement mechanisms and reporting on disaster resilience actions and outcomes; and

### Scope and rationale

Disaster resilience relies on collaboration within and between governments. While recognising that external to government parties also need to be included and consulted, the complexities of the operating environment mean that relationships and collaboration between government organisations can have a significant impact.

All levels of government are responsible for providing strategic leadership and ensuring all parties work together for continual improvement. They need to:

- assess technical, financial and administrative disaster risk management capacity;
- enable incentives and mechanisms to ensure compliance with relevant safety laws and regulations, for example, building codes, resource management, and health and safety standards, and to ensure relevant laws and regulations address disaster risk reduction; and
- assess and publicly report on progress against plans, and promote wide review and consideration of disaster risk resilience actions, including by parliamentarians, to:
  - ensure wide appropriate engagement in disaster resilience as well as disaster response and recovery; and
  - assist the robustness of disaster risk reduction and preparedness plans<sup>26</sup>.



<sup>26</sup> UNDRR Sendai Framework for Disaster Risk Reduction



## Current arrangements related to this strategy

Nationally, disaster resilience actions are overseen by the Australian Government Department of Home Affairs. The National Sendai Framework Working Group (Tasmania is represented by the SES) reports to ANZEMC while the Ministerial Council for Police and Emergency Management (MCPEM) provides ministerial oversight. Other relevant groups include:

- Australia New Zealand Counter Terrorism Committee (ANZCTC);
- Australian Government Disaster and Climate Change Resilience Reference Group;
- [AFAC National Council for Fire and Emergency Services](#);
- [Australian Business Roundtable for Disaster Resilience and Community Safety](#); and
- The National Cyber Security Committee.

Tasmania is represented on most of these groups.

The National Audit Office produces productivity reports and audits, for example [Administration of the Natural Disaster Relief and Recovery Arrangements by Emergency Management Australia](#) (2015) and [The management of risk by public sector entities](#) (2017).

The Local Government Association of Tasmania (LGAT) and representatives of local councils are included and consulted on Tasmanian Government led disaster resilience committees and initiatives.

DPFEM is currently reviewing the *Fire Service Act 1979*.

## Challenges and opportunities

Across jurisdictions, disaster risk governance traditionally has been:

- fragmented across levels of government, divided between sectors and compartmentalised; and
- viewed through the lens of emergency management departments, often with little interaction with other government organisations and the private sector<sup>27</sup>.

Ideas identified during the development of the draft Strategy included:

- Implement and support continual improvement mechanisms.
- Continue contributing to specific national networks, strategies and initiatives.
- Facilitate Tasmanian non-government input into specific relevant national disaster resilience frameworks.
- Better identify local currently untapped resources to reduce the need to call on other jurisdictions or external bodies (eg tents, catering).
- Clarify NDSR/ NDRRF local responsibilities.

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<sup>27</sup> UNISDR, [Governance in Disaster Risk Management](#) AIRDR Project Report No 3 2014

## 2.4 Strategic allocation of resources

### What success looks like

Available resources are strategically allocated in line with risk based priorities.

### Strategy to achieve the vision

*Encourage risk reduction investment, insurance uptake and other means to reduce risk exposure and maximise broad benefits.*

### The Tasmanian Government will work with others to:

- ensure project governance and oversight across funding pools enables clear outcome realisation and best use of available resources;
- continue to encourage uptake of appropriate insurance; and
- continue to consider disaster risks in major investment decisions.

### Scope and rationale

Appropriate allocation of available resources is key to disaster risk reduction. This includes:

- resourcing and administering disaster risk reduction and preparedness strategies, policies, plan implementation as well as development;
- promoting insurance, risk sharing and financial protection through private and public sector investments. Although there are households without the capacity for insurance, increased uptake of relevant insurance across the community has benefits for the whole community as well as specific individuals affected; and
- strengthening public and private sector investment in disaster risk reduction particularly for key infrastructure such as hospitals and schools.

### Current actions related to this strategy

- Risk management initiatives within the Tasmanian Government and other organisations.
- National Partnership Agreement and linked state grants programs, other SES programs.
- Insurance schemes and awareness programs.
- Tasmanian Risk Management Fund to minimise natural disaster risk costs to government through efficient self-insurance arrangements.
- Tasmanian Government external catastrophe insurance for property losses to government-owned assets exceeding \$5.25 million.
- Australian Government's Australian Reinsurance Pool Corporation terrorism reinsurance.

In addition to NPA co-funding for disaster resilience actions, Tasmanian government agencies and local government allocate resources to risk reduction as part of normal operations. For example,

- DoE's Facilities Services covers disaster risk management. All schools and other public facilities also have evacuation and emergency response procedures.

- Health facilities development and maintenance programs take disaster resilience into consideration within resourcing constraints.
- State Growth and Tasmanian local councils build key infrastructure to recognised standards to withstand potential disasters.
- Most Tasmanian Government agencies have emergency management officers focusing on aspects of the PPRR spectrum relevant to that department and/or risk management officers.

Dedicated departmental resourcing for disaster resilience helps ensure resources are not diverted by other immediate or pressing needs.

The [Tasmanian Climate Action Plan 2017-2021](#) outlines measures to help reduce climate change drivers in line with the *United Nations Framework Convention on Climate Change (Paris Agreement)*. As well as outlining response measures to enhance capacity to withstand and recover from extreme weather events and growing a climate-ready economy, the Plan focuses risk reduction measures to help implement the Paris Agreement locally.

Tasmanian Government [Structured Infrastructure Investment Review Process \(SIIRP\)](#) includes a general risk assessment component.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- Uneven allocation of resourcing against risk priorities, limited outcomes focus which can be reactive to recent disasters.
- Cost benefit justifications for risk reduction are complex.
- There is limited uptake of insurance and underinsurance. Some households do not have available resources for insurance.
- The consideration of disaster risks in Tasmanian Government financial and fiscal instruments is in the context of other drivers.

Ideas identified during the development of the draft Strategy included:

- Develop a resilience and mitigation investment framework, for example, similar to Queensland's Framework.
- Review the grants selection processes as part of new NPA funding arrangements to ensure prioritisation against risk assessments and other criteria and enable efficiencies in project selection and project oversight.
- Specific measures to ensure major State Government projects include reasonable and practical steps to reduce disaster losses.
- Insurance uptake encouragement programs.
- Liaise with the insurance industry to explore measures that encourage disaster resilience.

# 3. Reducing disaster risks

**Goal 3: Reducing disaster risk** - if possible, everyone reduces action risk in ways that have everyday benefits, even if a disaster does not happen.

Reducing risk is the core of disaster resilience. When governments, businesses, households and individuals reduce risks there are direct benefits even if a disaster does not occur<sup>28</sup>. Disaster risk reduction measures underpin economic confidence and growth for individuals and businesses. In summary, it makes good business sense to reduce risk where possible.

The goal is to mainstream disasters risk reduction that also enables broader or everyday benefits where possible. This includes:

- 3.1 land use and the development of the built environment helping to minimise long-term vulnerabilities;
- 3.2 critical infrastructure and services are operation and as reliable as possible during and after disasters;
- 3.3 everybody mainstreams disaster reduction to leverage everyday wellbeing and economic benefits where possible; and
- 3.4 prioritising key industry, economic, social, natural and cultural asset protection.

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## Example: Launceston Flood levee upgrade

<i>Cost of improved levees to withstand 1:200 year flood:</i>	<i>\$58 million over 5 years</i>
<i>Avoided losses:</i>	<i>\$157.6 million</i>
<i>2016 floods:</i>	<i>1:50-100 year flood (estimated)</i>
<i>Estimated savings due to levee from this one event:</i>	<i>\$216 million</i>

### Co-benefits of the levees

*Benefits of the levees outweigh the cost of the project fourfold even excluding social impacts from more widespread damage had the levees not been completed such as:*

- Functional linkage for city (pathways along the river)*
- Flow on tourism*
- Community use of waterfront space likely also to increase investor confidence in Launceston.*

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<sup>28</sup> as outlined in Part B, section 4.1.

*Levees are only one measure to reduce flood risk and should not be used in isolation. The Launceston City Council and the SES have organised a range of other risk reduction and preparedness measures, such as:*

- *Flood markers to aid communications;*
  - *Locally specific practical advice to residents;*
  - *Practiced processes for evacuation standby notices;*
  - *Local school education programs on flooding;*
  - *Notification of flood risks to potential vendors via conveyancing documentation.*
- 

## 3.1 Managing disaster risk through land use, built environment development and natural resource management

### What success looks like

Land use and development of the built environment manage long-term vulnerabilities.

### Strategy

Address vulnerabilities through land use planning schemes, building and other regulations and natural resource management plans. This includes:

- *land use planning, regional land use strategies, development controls in policy, planning schemes, and their implementation;*
- *building and other regulations; and*
- *natural resource management plans and their application.*

### The Tasmanian Government will work with others to:

- Develop strategic policy on managing vulnerabilities through EM experts, planners and others collaboration;
- Include risk considerations in land use and natural resource management plans, policies, strategies and use and development controls when developed or reviewed.

### Rationale and scope

Decisions made about how land is used and developed can have significant positive or negative disaster resilience impacts. Governments play a significant role in enabling or disabling long-term risk

reduction with policies, plans, strategies and regulations shaping land use and development. This includes:

- land use planning;
- related building and other standards; and
- natural resource management plans.

These areas are considered separately below.

## Current actions related to this strategy

### Land use planning

The [Resource Management and Planning System \(RMPS\)](#) includes an integrated system of laws, policies and procedures to ensure decisions about the use and development of land and natural resources in Tasmania help achieve sustainable use and development of natural and physical resources in accordance with the RMPS objectives.

The [Land Use Planning and Approvals Act 1993 \(LUPAA\)](#) is the key Act in the RMPS, along with the:

- *Environmental Management and Pollution Control Act 1994 (EMPCA)*; and
- *State Policies and Projects Act 1993*.

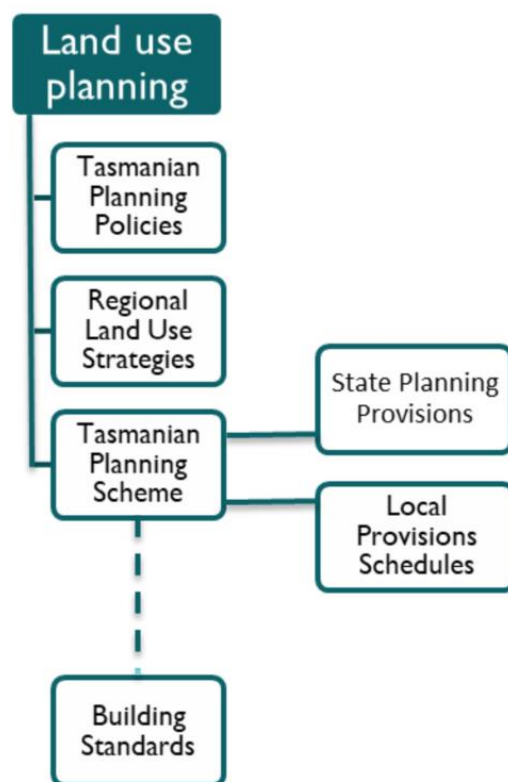
LUPAA requirements that apply to new use and development is implemented through land use planning instruments that include:

- regional land use strategies;
- existing planning schemes and the Tasmanian Planning Scheme once it becomes operational; and
- future Tasmanian Planning Policies.

The Tasmanian Planning Scheme was introduced in 2015 to deliver greater statewide consistency in the planning rules across the State. It will be one single planning scheme for the State that will replace 30 planning schemes. It includes:

- State Planning Provisions (SPPs) comprising:
  - a consistent set of statewide planning rules;
  - zone provisions that indicate what land use and development is appropriate; and
  - codes that provide clear pathways for dealing with land use issues such as natural hazards and other hazards.
- local councils' Local Provision Schedules (LPSs) that apply the SPPs at the municipal level. The LPSs are currently being prepared by local councils for each municipal area.

The Tasmanian Planning Scheme commenced in 2017. Once each LPS has been developed for each municipal area and approved by the Planning Commission, it will replace the existing planning schemes.



The [regional land use strategies](#) set the strategic planning goals for the three planning regions in Tasmania in line with legislation and the Planning Scheme. These strategies provide the linkage between the Schedule 1 objectives of LUPAA, State Policies, such as the Tasmanian Coastal Policy, that are established under the *State Policies and Projects Act 1993* and the Tasmanian Planning Policies, with the existing planning schemes and the Tasmanian Planning Scheme. The Southern Tasmania Regional Land Use Strategy and Cradle Coast Regional Land Use Planning Framework include policies and actions to assist in protecting people and property. The Northern Tasmania Regional Land Use Strategy also covers risk mitigation although less explicitly.

The [Tasmanian Planning Policies](#) will cover specific matters of State interest in land use planning, including strategic directions for considering natural hazards and other hazards.

Other initiatives also inform the land use planning system, for example:

- [Framework for the mitigation of risks from natural hazards through land use planning and building controls](#) (DPAC 2013);
- [Mitigating Natural Hazards through Land Use Planning and Building Control: Coastal Hazards in Tasmania: Summary Report of Coastal Technical Hazards](#) (DPAC 2016); and
- The [Tasmanian Coastal Policy](#) (DPAC 1996).

Related disaster resilience and land use national guidelines and plans include:

- [AIDR's Handbook on Land Use Planning for Natural Hazards Handbook](#);
- Planning Institute of Australia/ Australian Government Attorney General's Department [National Land Use Planning Guidelines for Disaster Resilient Communities](#) (2015);
- ANZEMC Land Use Planning and Building Codes Taskforce [Roadmap for Enhancing Disaster Resilience in the Built Environment](#) (2012);
- [Crime Prevention Through Environmental Design \(CPTED\)](#) guidelines; and
- the [\(draft\) AFAC Flood and Severe Weather Community Safety Position](#) outlines measures for reducing risks associated with land use planning and building regulatory frameworks and recommends EM sector involvement in land use planning and policy.

### Building standards

- [Tasmanian Building Standards and Regulations](#) include guidelines for building in hazardous areas in line with the [Building Regulations 2016](#). These are backed up by hazard specific guidelines, such as the TFS's [Building for Bushfires Guidelines](#).
- Tasmania's [Building Act 2016](#) and [Building Regulations 2016](#) cover [requirements for building in hazardous areas](#). This legislation prohibits certain works in hazardous areas (landslip, bushfire, flooding, coastal erosion and coastal inundation) unless done in accordance with the specific standards relevant to those hazards. These provisions will commence when the Tasmanian Planning Scheme comes into effect in each municipality, as hazardous areas are shown on planning scheme maps. When this occurs, the Director of Building Control will issue hazardous area determinations which will contain further restrictions and technical requirements for building in hazardous areas.



- Until the Tasmanian Planning Scheme commences in all local government areas, the building requirements for hazardous areas are covered by the [Building Act 2000](#) and [Building Regulations 2014](#).
- The Director of Building Control's Determinations outline the [requirements](#), and the [application](#) of those requirements for building in bushfire-prone areas.
- The TFS has also published [guidance information and fact sheets](#) on building for bushfire, siting and design, property access, water supply, and other hazard management issues.

#### Infrastructure standards

- State Growth and local councils use roads and bridges construction standards.
- There are State [Guidelines for the construction of earth-fill dams](#) (DPIPWE).

#### Natural resource management plans

DPIPWE oversees natural resource management. Many natural resource management plans cover disaster risk management but some do not. For example:

- the [Natural Heritage Strategy](#) includes goals relevant to disaster risk reduction;
- the [Tasmanian Wilderness World Heritage Area Management Plan](#) (2016) focuses on protection and conservation in the face of fire, biosecurity, climate change and other threats;
- the 2002 [Natural Resource Management Framework](#) does not address risk management or disaster resilience. The [Natural Resource Management Review](#) (2015) recommended the current strategy should be updated to "better reflect managing current and emerging risks to natural resources and enhancing mechanisms to prioritise and manage effort."<sup>29</sup>; and
- the [Tasmanian Coastal Policy](#) (DPAC 1996) specifies the need to identify hazards and minimise the need for engineering or remediation work to protect land, property or life.

### Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- The Tasmanian Planning Scheme is currently being implemented across local government areas and should resolve many past/ current issues.
- Overarching strategic policy direction is needed on development in high risk areas and other land use planning matters as outlined in the [Framework for the mitigation of risks from natural hazards through land use planning and building controls](#) (DPAC 2013). This could be articulated in future Tasmanian Planning Policies.
- There are adaptation issues associated with high risk areas for example, landslide or coastal erosion zones.
- Compounding or coincident disaster events, for example, flooding plus storm surge plus coastal erosion should be considered.
- Building and other standards may prevent death and injury during a disaster but not enable ongoing use of key infrastructure following a disaster.

<sup>29</sup> Natural and Cultural Division, DPIPWE, [2015 NRM Review – Final report and Recommendations](#), page 8

- Ownership issues, for example along river systems, can impinge on effective response, relief and recovery efforts.

Ideas identified during the development of the draft Strategy included:

- The Tasmanian Planning Scheme will help resolve many current issues relating to new developments once implemented.
- Ensure disaster risks are considered in the preparation of Tasmanian Planning Policies, State Policies and strategies and plans through involving EM experts.

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*“Development for housing, employment, community service, and essential infrastructure purposes should generally be restricted to locations where the level of risk is low or where it is reasonable to take measures which can avoid, mitigate or manage to provide a low level of risk.”*

- *Cradle Coast Regional Land Use Strategy 2010 – 2030*

*“Development for housing, employment, community service, and essential infrastructure purposes should generally be restricted to locations where the level of risk is low or where it is reasonable to take measures which can avoid, mitigate or manage to provide a low level of risk.”*

- *Cradle Coast Regional Land Use Strategy 2010 – 2030*

*“Avoid locating land designated for housing, industry, community and infrastructure services within or adjacent to areas which are vulnerable to an unacceptable level of risk, including coastal inundation, landslip, flooding or contaminated land.”*

- *Northern Tasmania Regional Land Use Strategy*

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## 3.2 Critical infrastructure and services

### What success looks like

Critical infrastructure / services (CI&S) are operational and as reliable as possible during and after disasters.

### Strategy

*Enhance collaboration to manage vulnerabilities related to critical infrastructure and services.*

### The Tasmanian Government will work with others to:

- further define Tasmania's vital functions, critical services and infrastructure;
- collaborate to address vulnerabilities and local participation in national initiatives;

- support CI&S providers to enhance their physical and organisational resilience; and
- continue to develop Tasmania's health services resilience.

## Scope and rationale

As agreed by national and state governments in Australia, critical infrastructure includes “those physical facilities, supply chains, information technologies and communication networks which, if destroyed, would significantly impact on the social wellbeing of the nation or affect Australia's ability to conduct national defence or security”<sup>30</sup>. The Australian Government's [Critical Infrastructure Resilience Strategy](#) defines critical infrastructure as:

- energy – power and fuel supply;
- water and sanitation;
- telecommunications;
- transport infrastructure and services, including ports, airports and public information systems as well as road/ rail infrastructure;
- food supply chains;
- health facilities and services; and
- banking and finance.

Some jurisdictions include other vital functions, such as data centres, police and emergency services/ infrastructure through a whole of jurisdictional business continuity approach.

## Current actions related to this strategy

- [National Security of Critical Infrastructure Act \(2018\)](#)
- The [Trusted Information Sharing Network](#) (TISN) is overseen by the Critical Infrastructure Advisory Council (CIAC) and enables business and government to share information.
- The Australian Government's [Critical Infrastructure Resilience Strategy](#) is based on business-government partnerships to enable critical infrastructure owners and operators to manage their own risks.
- The Australian Government's [Critical Infrastructure Centre](#) works across all levels of government and owners/ operators to identify and manage risks to critical infrastructure.
- The [Infrastructure Sustainability Council of Australia](#) (ISCA) has an infrastructure rating tool (v 2 2018) which supports critical infrastructure disaster resilience.
- Critical infrastructure suppliers coordinate their own risk management and disaster plans.
- Infrastructure Australia's [Australian Infrastructure Plan](#) (2016) focuses on resilience and sustainability, including diversification of supply and mechanisms to ensure faults can be isolated and resolved quickly.
- Australia-New Zealand Counter-Terrorism Committee (ANZCTC)'s [National Guidelines for Protecting Critical Infrastructure From Terrorism](#)

<sup>30</sup> Australian Government, [Critical Infrastructure Resilience Strategy: Policy Statement](#), 2015, p 3

- [State Infrastructure Strategy](#) (State Growth – under development)
- Tasmanian Government involvement in national initiatives via State Growth.
- Tasmanian Critical Infrastructure Emergency Management Committee (chaired by Tas Water)
- REMC established connections to energy and telecommunications providers to assist in the protection of those assets and ongoing services delivery during a disaster.

## Energy

Energy supplies include electrical power and fuel. Many other critical services rely on power. A lack of access to fuel can also impact on other critical infrastructure such as food supply chains. The [Energy Supply Emergency Management Plan](#) (State Growth) and sub plans cover specific industry sectors. The [Australian Energy Market Operator](#) (AEMO) has a core role in ensuring the reliability of the wholesale electricity market and gas supply nationally. This includes, for example:

- emergency protocols;
- the Australian Energy Sector Cyber Security Framework (AESCSF); and
- System Strength Impact Assessment Guidelines.

## Water and sanitation

- International Water, Sanitation and Hygiene (WASH) guidelines in emergencies (World Health Organisation (WHO)).
- Water resource management during extreme dry conditions (DPIPWE).
- Tasmania's Guiding principles for water management planning do not specifically address risk management or disaster resilience.
- TasWater risk management plans and programs.

## Telecommunications and key information assets

The private sector plays a key role in ensuring the resilience of communications and key information assets such as data centres nationally. For example, Telstra has a [Network Resilience Program](#) and produces an annual security report.

## Transport

For an island state, transport critical infrastructure includes both intra and interstate transport facilities and systems such as roads, bridges, rail, airports, aircraft, ports, wharves and shipping, as well as public transport systems etc.

- UNDRR [Transport sector resilience: opportunities to build resilience](#) (2018)
- *Process to enable fast track recovery funding for critical road infrastructure* (State Growth 2018)
- Protocols to manage traffic during a disaster (Tasmania Police /State Growth).
- Road and bridge infrastructure standards used by State Growth and local councils

## Food and grocery

- [Resilience in the Australian food supply chain](#) (2012)

## Health facilities and services

Health and the capacity of health systems is a key aspect of disaster risk reduction and resilience. The [Bangkok Principles for the implementation of the health aspects of the Sendai Framework](#) recommend measures countries can take to improve health related disaster risk reduction.

While health and emergency response are primarily the responsibility of state governments, the Australian Government enables backup when needed, provides health emergency response arrangements, plans, advices and guidelines, for example:

- [Health for Development Strategy 2015-2020](#);
- National Health Emergency Response Arrangements (NHERA) and various enablers across the health emergency domain;
- Australian Health Protection Principal Committee (AHPPC) - Provides strategic national oversight of health disaster management, along with the numerous standing committees for specific functions;
- National Incident Room - To ensure a consistent response to a health emergency;
- National medical stockpile;
- International engagement via the WHO and other structures;
- National immunisation programs, infection control guidelines; and
- National safety and quality health services standards.

Tasmanian initiatives to ensure the resilience of the State's health system include the following:

- the [Plan for the Delivery of Integrated Emergency Management within the Department of Health and Human Services](#) (2013) and response plans across DoH, Tasmanian Health Service (THS) and Communities Tasmania;
- the Strategic Risk Committee oversees the DoH's *Enterprise Risk Management Framework*.
- DoH's Emergency Committee and Public Health Emergencies Sub Committee undertake planning and preparedness to enhance resilience;
- DoH's Emergency Preparedness and Response Unit focuses on disaster resilience issues across the PPRR spectrum; and
- the [Tasmanian Health Action Plan for Pandemic Influenza](#) (DoH 2016) and pandemic influenza health system preparation initiatives.

## Banking and finance services

As with telecommunications and food supply, the continuation of banking services during and after an emergency is managed nationally and primarily by the private sector.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- The closely interconnected nature of different critical infrastructure adds complexity.
- Many critical infrastructure providers are government owned in Tasmania, which makes coordination easier.

- Many people know individuals across sectors and so often communication and coordination can be easier than in other states. However there are noted single key person dependencies and contact points.
- Collaborative networks tend to be hazard or sector specific and may not include all relevant stakeholders. Some networks are opaque and there is limited government oversight across sectors and hazards.
- Alignment with national strategies is sometimes unclear, and there is uneven involvement in TISN.
- Government and private sector responsibilities for the resilience of critical infrastructure and services needs to be clear.
- Disaster resilience actions for aging infrastructure have to be balanced against the costs involved.
- There are known vulnerabilities and gaps in comprehensive and practiced business continuity planning.

Issues identified during the development of the draft Strategy included:

- Strengthen collaborative networks and facilitate mutually beneficial initiatives raised through these networks as resources allow.
- Support Tasmanian involvement in national critical infrastructure initiatives, governance and local implementation of national initiatives.

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### **Communities contribute to critical infrastructure and service continuity**

*During the 2019 Bushfires many evacuated from their homes leaving hoses running in gutters as a protective measure. This impacted on broader water supplies. TasWater staff had to check and turn off water as this private use impacted firefighting efforts.*

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## **3.3 Mainstreaming disaster reduction to maximise social and economic benefits**

### **What success looks like**

Everybody mainstreams disaster reduction to leverage everyday wellbeing and economic benefits.

### **Strategy**

*Encourage all parties to manage risk within normal operations to leverage other benefits where possible.*

### **The Tasmanian Government will work with others to:**

Encourage and support organisations and individuals to:

- Include disaster risk management as part of their normal activities;
- Develop and maintain contingency and business continuity plans; and

- Leverage everyday benefits where possible.

## Scope and rationale

All sectors must manage risks that impact on them for their own and others' safety and benefit. This includes for example, minimising risks associated with physical property such as bushfire readiness actions. Disaster risk management is best achieved as part of normal operations, or 'mainstreamed' rather than treated as an isolated activity. Where possible, risk reduction should leverage other economic, social and wellbeing benefits to make best use of resources. For example, disaster risk management for buildings should form part of an ongoing maintenance program that has other everyday benefits. Back-up power sources, such as a torch, a camping stove or a generator, have uses aside from during and after disasters. Business continuity planning can identify everyday business process improvements.

## Current actions related to this strategy, challenges and opportunities

Many Tasmanian organisations actively manage risks or have contingency and business continuity plans. However, small businesses in particular lack resources for such actions. Individuals, businesses and other organisations should think about investing in measures that can have other everyday benefits. Ideas identified during the development of the draft Strategy included:

- Facilitate further uptake of available resources to manage risk.
- Assess and promote uptake of available resources for contingency and business continuity planning, especially for Tasmanian small businesses.
- Provide practical examples of risk reduction measures leveraging other benefits for individuals, households, businesses and other organisations.
- Convene business/ civic roundtables to discuss and address risk gaps.

# 3.4 Prioritising key economic, natural, social and cultural assets

## What success looks like

Prioritised key industry, economic, social, natural and cultural asset protection.

## Strategy

*Prioritise risk prevention, preparedness, protection and recovery for key assets of significant community value.*

## The Tasmanian Government will work with others to:

Prioritise risk reduction and preparedness for:

- key state or local community economic and social assets;
- crowded places;
- educational institutions; and



- irreplaceable state natural and cultural heritage assets.

## Scope and rationale

From a community perspective, there are key economic, social, natural and cultural heritage assets with significant value that should be prioritised for collective benefit. Heritage and cultural assets, such as Aboriginal cultural sites, heritage buildings or other artifacts and library and museum collections are often irreplaceable if lost or damaged.

As well as physical infrastructure and economic impacts, reputational impacts also have to be managed. For example, tourism, international education and primary produce exports can be greatly affected by messages and issues surrounding specific disaster. This can have long-term negative economic impacts.

## Current actions related to this strategy

Emergency response agencies work with local communities, State Growth and others to prioritise protection for key economic and other assets during emergencies. Regional and municipal risk management plans identify such key assets and pursue measures to reduce risks and prepare.

### Key economic assets

Many regional communities rely on specific industry or economic assets. In Tasmania, such industries include tourism plus land-based industries such as agriculture, aquaculture and forestry.

The Global Facility for Disaster Reduction and Recovery (GFDRR) and the World Bank cite farmers as one of four key groups that need special attention and support during and after a disaster, but this needs to be complemented by prevention and risk reduction measures<sup>31</sup>. DPIPWE oversees the delivery of various initiatives that help Tasmanian farmers' disaster resilience such as:

- climate change and agriculture – adaption measures;
- biosecurity, various areas such as the [Biosecurity Plant Manual](#);
- [advice for farmers](#), for example on bushfires, floods and dry conditions;
- links to social services support such as the [Rural Financial Counselling Service](#) and [Rural Alive and Well](#); and
- [guidance for small and new landholders](#) covers biosecurity and planning for emergencies.

Rural development initiatives related to disaster resilience include the following:

- the [Australian Government's Agricultural White Paper](#) includes “Strengthening our approach to drought and risk management” as one of five key priority areas;
- [Regional Development Australia](#) aims to enable the development of regional communities. The [RDA Tasmania Regional Plan](#) addresses biosecurity risks, but not disaster resilience; and
- DPIPWE's [Sustainable Agri-Food Plan 2016-2018](#) addresses biosecurity issues and drought protection through irrigation schemes but does not cover other areas of disaster resilience.

<sup>31</sup> GFDRR and Overseas Development Institute; World Bank, [Financial protection against natural disasters](#) 2014

Sustainable Timber Tasmania, the Parks and Wildlife Service (DPIPWE) and the TFS collaborate closely in both fire response and risk reduction measures such as fuel reduction burns. Business Tasmania (State Growth) provides a range of support to other industries and businesses.

### Crowded places

In Tasmania, Tasmania Police's [Special Response and Counter-Terrorism Command \(SRCT\)](#) provides expertise and a coordination point for counter-terrorism arrangements including building resilience in owners/ operators of crowded places in line with the ANZCTC [Strategy for Protecting Crowded Places from Terrorism](#).

AIDR's [Handbook on Safe and Healthy Crowded Places](#) (2018) provides additional advice on EM arrangements of relevance to crowded places and is consistent with the ANZCTC strategy.

### Educational institutions

DoE coordinates a range of programs that focus on the safety of students and staff, and resilience measures for buildings and other assets, for example, the Bushfire Ready Schools program and the *Protective Security Framework* (2018).

### State natural and cultural heritage assets

- The [Tasmanian Coastal Works Manual](#) covers risk assessments to protect heritage values.
- DPIPWE's Heritage Tasmania risk management and protective measures for 'built' heritage that is included in the Heritage Register.
- Aboriginal Heritage Tasmania administers the *Aboriginal Heritage Act 1975*. It manages the Aboriginal Heritage Register that contains over 13,500 Aboriginal heritage sites in Tasmania and its islands. This information is included in the COP layer of the LIST.
- Libraries Tasmania's *Collections Emergency Management Plan* (2018).
- The Tasmanian Museum and Art Gallery manages risk in line with [Spectrum museum standards](#).

## Challenges and opportunities

While there are current arrangements, there is scope to improve resilience for some key assets. Ideas identified during the development of the draft Strategy included:

- Continue to identify and manage risks for priority local assets through Regional and Municipal Emergency Management Plans and other plans.
- Continue support for land-based regional industries and key businesses to improve their disaster resilience.
- Extend the School Bushfire Ready program to other hazards relevant to local vulnerabilities.
- Ensure risk management and protection plans for key State natural and cultural heritage assets are kept current and practiced.

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### ***Example: Helping to ensure the preservation of our threatened alpine species***

The recent bushfires and the Lake McKenzie fire in 2016 illustrate the increasing vulnerability of Tasmanian wilderness areas to wildfires. Through the Tasmanian Seed Conservation Centre (TSCC), the Royal Tasmanian Botanical Gardens works to collect, research and store

conservation sized collections of seed of Tasmanian flora, with a current focus on threatened plant species. As an example of the value of the TSCC's work, seed collected from Tasmania's endemic conifers at Lake McKenzie is being used to research the regeneration of areas burnt in the 2016 fires. With increasing chances of dry summers and bushfire risks in alpine areas, such work will help to conserve our iconic and endemic flora.

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DRAFT

# 4. Prepared for disasters

**Goal 4: Prepared for disasters** - if a disaster does occur, everyone knows what to do and can do it.

Preparedness measures can save lives, prevent or reduce losses and can help ensure effective recovery from disasters. Key areas include:

- 4.1 individuals, organisations and communities are prepared for disaster;
- 4.2 Tasmania's EM sector has plans and other arrangements ready to respond;
- 4.3 Tasmania's EM sector can capably respond and enable relief and recovery; and
- 4.4 relief and recovery facilitates long-term disaster resilience.

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## Example: The value of insurance when it counts

*The May 2019 severe weather event flooded the St Aloysius Catholic College in Kingston leaving 450 students without classrooms. Thankfully the buildings were insured.*

*"Co-principal Joe Sandric says it was heartbreaking to see classrooms and playgrounds destroyed by water and mud, with many rooms needing new floors, walls and ceilings after the wild weather hit....*

*He's thankful the school was adequately covered by insurance. "We didn't have to worry about counting costs, it was more the energy taken up with accounting for the damaged classrooms and relocating the students." he says. "We're definitely pleased to have everything back to normal now."*

- by Linda Smith *The Saturday Mercury, Tas Weekend*, 11 May 2019, p 12

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## Keeping animals as well as people safe

*Launceston City Council's Pet Pal initiative suggests people pre-organise someone who can look after pets and other animals during and after an emergency and to try and get animals to a safe place well ahead of danger. In previous floods many did not want to evacuate as they did not want to leave their animals behind. This initiative helps with evacuating people, as well as keeping loved animals safe.*

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## 4.1 Individual, household, organisational and community preparedness

### What success looks like

Individuals, households and organisations and communities are prepared for disasters.

### Strategy

*Tasmanians have access to practical guidance. All levels of government and others support and encourage them to prepare for disasters.*

### The Tasmanian Government will work with others to:

- ensure consistency and clarity of preparedness information and support;
- facilitate the uptake of available preparedness information and support; and
- recognise and encourage excellent risk management and preparedness actions.

### Scope and rationale

No matter how well resourced and capable Tasmania's EM sector is, all Tasmanians need to be prepared for disasters. In a widespread or catastrophic disaster, individuals need to be able to keep themselves and others around them safe. Everyone plays a part in Tasmania's disaster preparedness. This includes:

- Contingency planning, for individuals and organisations, for example, plans for disruptions to power, water or telecommunications. For instance, do individuals have back up light sources and are they able to boil water during extended power outages? Do they have plans on how and where to meet loved ones if telecommunications are inaccessible? Have they enough food and water for a few days?
- Business continuity planning for businesses, Government agencies and other organisations. What vital functions still need to function even if:
  1. building and other physical assets are destroyed or damaged;
  2. staff are not available due to a pandemic or other disasters; or
  3. information and other systems or telecommunications are compromised?
- Ensuring reliable mechanisms to stay informed during and after a disaster.
- Preparedness to assist family, neighbours, and others. Community support networks can be critical during and after disasters<sup>32</sup>, and are best established beforehand.

### Current actions related to this strategy

In addition to the initiatives listed elsewhere:

- TFS's [Create your Bushfire Survival Plan](#) Bushfire Ready Neighbourhoods;

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<sup>32</sup> National Strategy for Disaster Resilience

- TFS's [Community Protection Plans](#);
- [NGO resources](#), for example, Red Cross' [REDplan](#) Household Emergency Preparedness kit. This includes easy English versions, an Auslan version, and preparedness guides for older people, people with chronic illness, a physical disability or who have just moved to a new area;
- [Preparing your business for natural disasters](#) resources (Business Tasmania); and
- National [advice on preparing for pandemic influenza](#).

## Challenges and opportunities

While many Tasmanian households, businesses and other organisations are prepared for a disaster, many are not. There is scope to increase the uptake of available information and support. Excellent preparedness by households, businesses and other organisations, communities and others could be recognised and promoted to encourage others' preparedness. Ideas identified during the development of the draft Strategy included:

- Promote practical measures for household and organisational disaster preparedness; encourage uptake of available information and guidance resources.
- Publicise 'good news' stories where individuals, organisations or communities are prepared.
- Ensure clear messaging on the consequences of not reducing risks and being unprepared.
- Develop 'just in time' resources for dissemination immediately before disaster events when uptake is more likely.
- Collect baseline data on household preparedness.
- Public sector managers can use existing guidance and information resources for business continuity planning, contingency planning and risk management to mainstream risk reduction across agencies.

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### Example: Protecting crops against threats and stresses

*Huon Valley blueberry farmers Tony and Mandy O'Connell invested in overhead sprinklers to help protect their crop, and so their export earnings and livelihoods. The sprinklers also back up drip fed irrigation and are proving their value. As well as protecting against frost damage, the sprinklers help cool plants during times of heat stress and can protect against ember attack such as those the Huon Valley experienced in February 2019. As Tony says, "It's a worthwhile investment. With climate change there are likely to be more stresses and threats to our crops. We need to be proactive."*

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## 4.2 EM sector ready to respond

### What success looks like

Tasmania's EM sector has plans and other arrangements ready to respond. These plans are practical and practiced plans. There are information mechanisms and other systems to ensure quick and effective response to disasters.

### Strategy

*Regularly update and improve EM plans and other arrangements based on lessons learnt and other evidence.*

### The Tasmanian Government will work with others to:

- Continue to review to Tasmania's EM plans, information mechanisms and other arrangements
- Use lessons learnt from events and exercises, ongoing risk assessments and other evidence and evaluation to inform improvements.

### Scope and rationale

Planning is a key aspect of disaster resilience. Tasmania's EM sector needs to deploy and escalate response and recovery actions like a well-oiled machine when needed. This relies on practical, practiced and up-to-date plans plus established public and operational information sharing mechanisms and administrative arrangements that are ready to be used when needed.

### Current actions related to this strategy

- Review of the *Emergency Management Act 2006* and the *Fire Service Act 1979* (DPFEM).
- Tasmanian Emergency Management Arrangements renewal 2019, plus related state, regional and municipal plans.
- [Tasmanian Municipal Emergency Management Guidelines](#) (SES/ LGAT).
- State Special Emergency Management Plans covering many hazards and other related topics, as outlined in the TEMA, and other plans, for example:
  - Emergency evacuation framework DPFEM;
  - Health and community services related plans such as the DoH's Plan for the Delivery of Integrated Emergency Management within the DHHS and THO (under review);
  - The [Tasmanian Marine Oil Spill Contingency Plan](#) (TasPlan) (DPIPWE EPA)
  - Building evacuation procedures for Government buildings;
  - Ambulance Tasmania Incident Response Plan (ATIRP);
  - TFS/ DoE Bushfire Ready Schools program; and
  - The Australian Government's [Cyber Incident Management Arrangements](#).



## Public warnings and information

- 2015 *National Review of Warnings and Information* led to [Australia's Warning Principles](#) 2018 and the [Public Information and Warnings Handbook](#) (AIDR 2018).
- BoM weather reports and warnings/ close working relationship between BoM and state emergency services.
- National Fire Danger Rating System
- [National Flood Warning Infrastructure Standard](#) (ANZEMC)
- [National Terrorism Threat Advisory System](#)
- [National Security Public Information Guidelines](#)
- [Emergency Alert](#) - national telephone Emergency Warning system.
- [National Tsunami Warning System](#)
- [Open access alerts](#) and [National Relay Service](#) for hearing impaired.
- Deafemergencyinfo.com.au
- [TasALERT](#), with information provided from twelve relevant areas including:
  - [Bushfire alerts list/ map](#)
  - [Department of Health / Environmental Protection Authority Tasmania Air quality and other public health alerts](#)
  - [Bushfire Ready Neighbourhoods: Phone tree network advice \(community dependent\)](#)
  - DoE regarding school closures
  - Specific threat communications - DPFEM (Tasmania Police/ TFS/ SES) regular updates on potential upcoming or current threats, road closures etcetera via media channels and online. Public Health warnings about air, water or other health risks.
- DPAC Public Information Unit collation and dissemination of key information during disasters.
- Tasmanian Emergency Information Service (TEIS) - up to 10 operators can respond to public calls to a published 1800 number (DPAC's Office of Security and Emergency Management (OSEM)/ Service Tasmania).
- FireComm, National Security Hotline, 000 and Police Assistance Line.
- Visitor Information Centre emergency preparedness program 2016 - training staff to deliver emergency and disaster related information to visitors.
- Cooperative flood warning and alert system for Hobart, Glenorchy and Kingborough municipalities.

## Incident management information mechanisms

- WebEOC – DPFEM emergency information management system to support Tasmania's emergency response.
- LISTmap/ COP web-based EM spatial mapping application for cross-agency situational awareness and decision support application (DPIPWE).

## Impact assessment

Quality and efficiently gathered and collated impact data is needed for a range of reasons. For example, Australian Government DRFA processes rely on impact data for funding.

- *State Special Emergency Management Plan for Impact and Damage Assessment 2018* and related Rapid Impact Assessment (RIA) systems and processes (DPIPWE/SES/TFS/DPAC).
- *National Impact Assessment Model (NIAM)* and *National Impact Assessment Framework (NIAF)* (2016 Australian Department of Home Affairs).

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There is scope to improve the current suite of EM plans. There are challenges maintaining a regular review cycle and consistency of formatting for many of the plans. The readability and clarity of responsibilities within some plans could be improved and there is scope to apply better governance arrangements and reporting mechanisms.
- Connections between public information mechanisms are sometimes unclear. Messages must be integrated and explicit. Some topics cover multiple agencies' functions, for example, school bus changes.
- Application of contemporary impact and damage assessment data capture requirements and related procedures and processes could help support relief and recovery efforts.

Ideas identified during the development of the draft Strategy included:

- Continue improvements to ensure Tasmania's early warning and emergency communications are adequate and operate in an integrated manner in line with national guidelines.
- Improve measures to capture and access to impact assessment information.
- Develop and maintain a SSEMP covering cyber security.
- Continue measures to improve EM plans and their accessibility.

## 4.3 EM sector capabilities

### What success looks like

Tasmania's EM sector can capably respond to disasters and enable relief and recovery. Staff, volunteers and community partners have the capability and capacity for effective response and recovery.

### Strategy

*Pursue measures to ensure professional staff and volunteers are valued, supported and developed.*

### The Tasmanian Government will work with others to:

- continue to develop EM sector capabilities. This includes People, Process, Organisation, Support, Training, Technology, and Exercise Management;
- develop lessons learnt capabilities;

- enhance interoperability arrangements; and
- further enable and recognise volunteer contributions.

## Scope and rationale

Effective response and recovery planning and actions rely on the capabilities of Tasmania's EM sector. As well as developing people and their skills, this relies on administrative and technical systems and support.

## Current actions related to this strategy

- UNDRR's [\*Strategic approach to capacity development for implementation of the Sendai Framework for Disaster Risk Reduction\*](#) (2018)
- The [\*Capability Roadmap: Enhancing Emergency Management in Australia 2016\*](#) underpins the draft [\*National Disaster Preparedness Framework\*](#) (2018).
- AFAC projects, to which the Tasmanian Government contributes.
- [\*National Emergency Management Volunteer Action Plan\*](#) (2012)
- [\*National Aerial Fire Fighting Centre\*](#) (NAFC)

## Tasmanian Government

Most EM plans include capability development related to that specific area. Example initiatives focusing specifically on EM capabilities include the following..

- Emergency Management Training Continuum (SES)
- Interoperability arrangements (DPAC's OSEM)
- Emergency Service Volunteer Working Group and associated initiatives
- Ambulance Tasmania Volunteer Incident Support Team (VIST)
- St John Ambulance Mass Casualty Preparedness Project
- Surf Life Saving Tasmania's Cert II Coxswain Maritime and Rescue training packages
- Spontaneous Volunteers Project: Don't Wait for Disaster to Happen
- Building emergency registration volunteer surge capacity (Red Cross/ local councils/ Volunteering Tasmania)

## Scenario exercises

- The Interagency Exercise Coordination Group (IECG) aims to ensure multi-agency coordination and awareness of EM exercises.
- ANZCTC Counter-Terrorism Exercise Management Program which funds the delivery of counter-terrorism specific drill-style programs in Tasmanian, administered by SRCT.
- The ACSC National Exercise Program aims to clarify the roles and responsibilities of private sector and government organisations when responding to a cyber incident.

## Workplace disaster resilience

- Tasmanian Government buildings have planned and regularly practiced evacuation procedures.

- Active Armed Offender protocols and lockdowns.
- Workplace Standards Tasmania support.
- Some organisations have protocols for communications and other mechanisms in a disaster.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- There is scope to extend exercise and lessons management capability and capacity.
- Resourcing for capability building across hazards could be more consistent.
- In some cases there has been difficulty in obtaining traction for implementing recommendations for capability improvements.
- Response and recovery capabilities must extend beyond first responders.
- Scaling up personnel requirements for response and adequately mitigating key single person dependencies can be challenging.
- Interoperability arrangements enable transfer of staff across agencies to support response and recovery but have limitations.

Ideas identified during the development of the draft Strategy included:

- Develop lessons management and exercise capability and capacity.
- Implement a Volunteer Strategy.
- Implement the EM Training Continuum.
- Share information about NGO capabilities and capacity to enhance collaborative approaches to community disaster resilience.
- Further develop interoperability arrangements and options.
- Explore future strategic workforce planning and resourcing in the context of changing risk profiles.

## 4.4 Enabling recovery

### What success looks like

Relief and recovery facilitates long-term disaster resilience.

This means that:

- Tasmanians are supported and infrastructure /services are rebuilt or repaired during and after disasters to assist with long-term disaster resilience.
- Tasmanians actively enable their own and others' relief and recovery during and after disasters supported by all levels of government. Infrastructure and services are rebuilt, repaired or relocated to assist long-term resilience and maximise community benefits.

## Strategies

*Continually improve relief and recovery arrangements to enable quick escalation, community leadership and long-term resilience.*

### The Tasmanian Government will work with others to:

- continually improve the Tasmanian Relief and Recovery Arrangement based on evidence such as lessons learnt;
- coordinate support across multiple service providers;
- collaborate to strengthen community capacity for locally-led recovery.

## Scope and rationale

Support encompasses all aspects of recovery to facilitate long-term resilience. This encompasses social, infrastructure, economic and environmental recovery. Recovery aims to:

- support individuals, communities, businesses and the natural and cultural environment to deal with the impacts of a disaster;
- facilitate broad community participation in decision-making;
- ensure that resourcing is targeted and appropriate to risk;
- enhance ongoing disaster resilience<sup>33</sup>.

Recovery includes:

- Social Recovery – assisting the community to manage its own recovery, rebuilding emotional, social and physical wellbeing through a coordinated and planned process.
- Infrastructure Recovery – the repair, restoration and replacement of government and community infrastructure such as schools, roads, transport, and communications.
- Economic Recovery – managing business, industry and employment impacts and, where appropriate, assisting the local economy to return to pre-emergency levels.
- Environmental Recovery – focuses on addressing the environmental impacts<sup>34</sup>.

There are also recovery issues related to cultural heritage.

## Current actions related to this strategy

- [National Principles of Disaster Recovery](#)
- [Disaster Recovery Funding Arrangements](#) (DRFA)
- AIDR [Community Recovery Handbook 2](#)
- The *Emergency Management Act 2006* creates the roles of the State Recovery Advisor and State Recovery Coordinator. The TEMA outlines key recovery responsibilities across all levels of government, with the SSEMP – Recovery (the State Recovery Plan) describing arrangements in more detail. Regional and Municipal EM Plans detail local arrangements.

<sup>33</sup> DPAC OSEM Adapted from Recovery Manual v1.0 p 8

<sup>34</sup> DHHS Department of Health and Human Services and Tasmanian Health Organisation Social Recovery Plan 2014

- *Tasmanian Relief and Recovery Arrangements* (TRRA) sets out the Tasmanian Government's assistance measures to individuals and communities following natural disasters (DPAC's OSEM).
- The DoH and THS *Social Recovery Plan* (2014) – aims to ensure DoH, Communities Tasmania and THS meet community needs related to an emergency in an integrated and sustainable manner (DoH/ Communities Tasmania/ THS).
- *Addressing family violence in emergencies guidelines* (Women's Health Tasmania)
- Tasmanian Council of Churches' Psychological First Aid and Emotional Spiritual Care service
- Infrastructure reconstruction is managed by State Growth and relevant local councils.
- DPIPWE provides rural sector support and State Growth provides recovery assistance to businesses.

## Challenges and opportunities

Issues identified during the development of the draft Strategy included:

- Relief and recovery support can either discourage or encourage long-term resilience building.
- Personnel resourcing for extended or multiple widespread disasters can be limited.
- There is scope to improve impact and damage assessment capabilities.

Ideas identified during the development of the draft Strategy included:

- Pursue measures to enable community-led recovery.
- Explore support options for non-commercial primary producers.
- Continue Recovery Partners Network Forum and build relationships and formal and informal arrangements with NGOs.

# Appendix I: Acronyms and abbreviations

ABS	Australian Bureau of Statistics
ACSC	Australian Cyber Security Centre
AESCSF	Australian Energy Sector Cyber Security Framework
AEMO	Australian Energy Market Operator
AFAC	Australasian Fire and Emergency Services Authorities Council
AHPPC	Australian Health Protection Principal Committee
AIDR	Australian Institute for Disaster Resilience
ANZCTC	Australia New Zealand Counter Terrorism Committee
ANZEMC	Australia New Zealand Emergency Management Committee
APRA	Australian Prudential Regulation Authority
ATRIP	Ambulance Tasmania Incident Response Plan
BCP	Business Continuity Planning
BoM	Bureau of Meteorology
BRAM	Bushfire Risk Assessment Model
CIAC	Critical Infrastructure Advisory Council
CI&S	Critical infrastructure and services
COAG	Council of Australian Governments
Communities Tasmania	Department of Communities Tasmania
COP	Common Operating Platform
CPTED	Crime Prevention Through Environmental Design
DHHS	Department of Health and Human Services
DoE	Department of Education
DoH	Department of Health
DPAC	Department of Premier and Cabinet
DPFEM	Department of Police, Fire and Emergency Management
DPIPWE	Department of Primary Industries, Parks, Water and Environment
DRANZEN	Disaster Resilient Australia – New Zealand School Education Network
DRFA	Disaster Recovery Funding Arrangements (Australian Government)
DRR	disaster risk reduction
EM	emergency management
EMPCA	<i>Environmental Management and Pollution Control Act 1993</i>
GFDRR	Global Facility for Disaster Reduction and Recovery
GIS	Geographic Information System
IECG	Interagency Exercise Coordination Group
LGAT	Local Government Association of Tasmania
LISTMap	Land Information System Tasmania map
LPS	Local Provision Schedule
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>



MCPEM	Ministerial Council for Police and Emergency Management
MEMC	Municipal Emergency Management Committee
NAFC	National Aerial Fire Fighting Centre
NDRRF	National Disaster Risk Reduction Framework
NEXIS	National Exposure Information System
NGO	non-government organisation
NHERA	National Health Emergency Response Arrangements
NIAF	National Impact Assessment Framework
NIAM	National Impact Assessment Model
NPA	National Partnership Agreement for Natural Disaster Resilience
NSDR	National Strategy for Disaster Resilience
OSEM	Office of Security and Emergency Management (DPAC)
PPRR spectrum	Prevention, Preparedness, Response, Recovery
REMC	Regional Emergency Management Committee
RIA	Rapid Impact Assessment
RMPS	Resource Management and Planning System
SEMC	State Emergency Management Committee
Sendai Framework	UNDRR's <a href="#">Sendai Framework for Disaster Risk Reduction</a>
SES	State Emergency Service
SIIRP	Structured Infrastructure Investment Review Process
SPP	State Planning Provisions
SRCT	Special Response and Counter Terrorism Command (Tasmania Police, DPFEM)
SSEMP	State Special Emergency Management Plan
State Growth	Department of State Growth
TCCO	Tasmanian Climate Change Office (DPAC)
TEIS	Tasmanian Emergency Information Service
TEMA	Tasmanian Emergency Management Arrangements (2019)
TEMP/ TEMA	Tasmanian Emergency Management Plan (Issue 8))
TERAG	Tasmanian Emergency Risk Assessment Guidelines
TERN	Terrestrial Ecosystem Research Network
THO	Tasmanian Health Organisation
TISN	Trusted Information Sharing Network
TSNDRA	Tasmanian State Natural Disaster Risk Assessment
TRRA	Tasmanian Relief and Recovery Arrangements
TFS	Tasmania Fire Service
THS	Tasmanian Health Service (DoH)
TSCC	Tasmanian Seed Conservation Centre
UNDRR/ UNISDR	United Nations Office for Disaster Risk Reduction (formerly UNISDR)
VIST	Volunteer Incident Support Team
WASH	International Water, Sanitation and Hygiene
WebEOC	Incident Management System managed by DPFEM to support emergency management
WHO	World Health Organisation

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# Tasmanian Disaster Resilience Strategy 2020-2025

## Draft for public comment

v 0.3 22 August 2019

Please email comments to [sem@dpac.tas.gov.au](mailto:sem@dpac.tas.gov.au)

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DRAFT

# I Tasmanians are resilient

In recent years Tasmania has experienced natural disasters. Tasmanians have always responded with tenacity and generosity. We support one another in times of need. Our emergency services, volunteers, community organisations, governments and businesses work tirelessly to respond to these events and help communities to recover.

The reality of climate change is that extreme weather events will be more common. There will be more hot days and intense rainfall. We will continue to experience bushfires, floods and storms that put people at risk, destroy property and impact on communities, businesses, and the economy. As well as bushfires, floods and storms, Tasmanians also need to be think about:

- other natural hazards, such as earthquake, landslides and tsunamis;
- pandemics and bio-security hazards; and
- intentional violence, cyber and other security hazards.

We learn from past events and put strategies in place to reduce risk and be better prepared. There is always more we can do to ensure we cope with and bounce back from disasters. This is what disaster resilience is about.

## 2 Why focus on disaster resilience?

Disaster resilience is about everyone working together, using available data and evidence to understand and reduce disaster risks and prepare for disasters. It helps reduce the impacts of disasters such as deaths; injury and illness; the number of people affected; economic loss; and damage to property and the services and infrastructure that everyone relies on.

We need to focus on disaster resilience because:

### 1 Catastrophic disasters need a whole of society approach

Severe or catastrophic disasters can include compounding events and have widespread or prolonged impacts. Responses to such disasters rely on a cross-sector and whole-of-society approach. If most people prepare and can look after themselves, help can get to those who need it most.

### 2 It is most governments' largest contingent liability

In 2017 Australia's disaster costs were \$13.2 billion. Experts predict this will increase by 3.4 per cent a year. This means disaster costs could triple by 2050. For Tasmania, the costs could increase to about \$600 million per year by 2050. These estimates do not include intangible social, health, employment and economic impacts.

### 3 Disaster resilience cost benefits add up

Investing in reducing disaster risk can be more cost-effective than spending on response and recovery. Disaster risk management can reduce response and recovery costs by 50 per cent.

### 4 Risks relying on post-disaster funding

A focus on post-disaster funding may:

- create a disincentive for people to manage their risks and result in higher risk behaviours;
- divert funds from other public programs, such as other health and wellbeing programs that support resilience; and



- impact on investment and economic growth.
- 5 There are social and economic benefits even if a disaster does not happen**
- Reducing risks has benefits even if a disaster does not occur. It can:
- instill investor confidence, innovation, investment and economic growth;
  - help reduce poverty and inequality; and
  - contribute to fiscal stability.
- 6 There are disaster resilience co-benefits**
- Reducing disaster risks can leverage other everyday benefits. For example:
- building for disaster resilience can mean lower maintenance costs;
  - tree planting to stabilise slopes can help the environment in other ways; and
  - flood mitigation measures, such as levees or dams, can provide stable and cleaner water supplies.

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#### **Example: Risk reduction measures pay off in an emergency**

*Fire fighters and TasNetwork crews have been praised for a remarkable job minimising the impact on the state's power network during the bushfire crisis.*

*As few as 100 power poles have been damaged so far, despite several large blazes burning through almost 3 per cent of the state.*

*Tas Networks spokesman Josh Bradshaw said only a small number of customers had suffered outages due to downed poles and wires...*

*"Our electricity network is very resilient," Mr Bradshaw said. "Contingencies were in place to provide enough reserve should any large transmission assets have been impacted."...*

*TFS Station Officer Darren Gye said TasNetworks, the National Broadband Network and telecommunications companies put in a lot of effort before a bushfire event to prepare their sites.*

*"When we come along it's just a matter of attacking the fire at front or flank," he said. "If you do the work before it gets bad, it makes our life easier."*

*He said the same rule applied for preparing a house prior to a major fire.*

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*- Jack Paynter, Praise for keeping the lights on during bushfire drama, The Mercury, 10 February 2019*

## **3 How can we become more disaster resilient?**

We've learned from our own experiences, plus the latest thinking from others nationally and internationally. Everyone can help emergency management professionals and volunteers keep us all safe. We know that response and recovery efforts are more successful when everyone:

- understands their natural disaster risks;
- reduces risks where possible and appropriate;
- is prepared for disasters; and
- knows what to do and what support is available in an emergency.

Other things can be specific for particular groups:

- For individuals and families, better disaster resilience can mean being connected to your community. This can help you understand and prepare for events.
- For businesses and other organisations, better disaster resilience can mean thinking about how your organisation can cope with disruption and continue key operations under stress.
- For local community organisations and councils, better disaster resilience can mean
  - o local partnerships;
  - o thinking about how we use land and where we build; and
  - o building relationships with emergency services.
- For Tasmanian Government agencies, better disaster resilience can mean:
  - o providing early information and guidance; and
  - o greater coordination, collaboration and integrated service delivery.

More information on how to know your risks, connect with others, get ready and act is in Section 7 of this Strategy.

## 4 Strategy aims and context

Disaster resilience underpins the Prevention, Preparation, Response, Recovery (PPRR) spectrum for emergency management. While both disaster resilience and emergency management cover the PPRR spectrum, disaster resilience focuses on prevention and preparedness and emergency management focuses on response and recovery.



The Disaster Resilience Strategy complements the Tasmanian Emergency Management Arrangements, which operationalise the formal arrangements under the *Emergency Management Act 2006*. A separate State Emergency Management Committee Strategic Directions Framework will drive and structure the Tasmanian Government's actions in relation to disaster resilience and emergency management.

This Strategy aligns with the international *Sendai Framework for Disaster Risk Reduction* and related national frameworks such as National Strategy for Disaster Resilience and the National Disaster Risk Reduction Framework. All reflect common principles of disaster resilience:

- shared and defined responsibilities;
- reducing risk is everybody's business;
- integrated action;
- inclusive engagement;
- continual improvement;
- data-driven decision-making; and
- leadership commitment at all levels.

People are more likely to be disaster resilient if they are healthy, literate, socially connected and financially secure. These areas are outside the scope of this Strategy, but do impact on it. This Strategy complements other programs supporting community development and social engagement; preventive health; environmental and cultural values protection; educational outcomes; and economic growth, sustainability and diversity.

The Disaster Resilience Strategy is the first such Strategy for the State and focuses on strategically linking existing initiatives. It encourages all Tasmanians, including government, the private sector, non-government organisations and community members, to consider disaster resilience in their decision making. It aims to bring together sectors and communities to:

- build on current actions that support disaster resilience;
- help everyone to work together for individual and community safety and wellbeing; and
- make the best use of people's efforts and available resources.

The *Tasmanian Disaster Resilience Strategy 2020-2025* outlines:

1. a vision of a disaster resilient Tasmania;
2. the four goals that underpin that vision;
3. what success looks like in achieving the goals;
4. strategies to achieve the goals;
5. how the Tasmanian Government will work with others to achieve the goals;
6. examples of current actions to achieve the goals; and
7. how Tasmanians can reduce disaster risks and be prepared.

There is a '*Background and supporting information*' paper with more details. This includes more information on the scope and rationale for focusing on each goal, current actions, challenges and opportunities identified through preparation of the draft Strategy; and additional references. Access this paper at: <http://www.dpac.tas.gov.au/divisions/osem>

## 5 A disaster resilient Tasmania - vision and goals

### The Vision

Using available data and evidence, everyone works together to reduce their disaster risk, to prepare to withstand and adapt to disasters.

### The Goals

There are four goals that underpin this vision

- 1 **Understanding disaster risk** - everyone understands the disaster risks affecting them.
- 2 **Working together** - everyone plays their part in reducing and preparing for disaster risks.
- 3 **Reducing disaster risk** - if possible, everyone reduces action risk in ways that have everyday benefits, even if a disaster does not happen.
- 4 **Prepared for disasters** - if a disaster does occur, everyone knows what to do and can do it.

<p><b>1. Understanding disaster risk</b></p> <p>Goal: Everyone understands disaster risks affecting them.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• There is relevant, accessible and useful data and research.</li> <li>• Everyone is aware of the risks affecting them.</li> <li>• Tasmanians are supported and empowered to manage disaster risk.</li> <li>• Everyone prioritises and manages risk affecting them based on evidence.</li> </ul>	<p>Using available data and evidence</p>
<p><b>2. Working together</b></p> <p>Goal: Everyone plays their part in reducing and preparing for disaster risks.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• Everyone plays their part in reducing and preparing for disaster risks.</li> <li>• All parties collaborate to ensure cohesive action.</li> <li>• All levels of government work together and with others for continual improvement.</li> <li>• Available resources are strategically allocated in line with risk based priorities.</li> </ul>	<p>everyone works together to</p>
<p><b>3. Reducing disaster risk</b></p> <p>Goal: If possible, everyone reduces disaster risk in ways that have everyday benefits, even if a disaster does not happen.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• Land use and the development of the built environment manages long-term vulnerabilities.</li> <li>• Critical infrastructure and services are reliable and operational during and after disasters.</li> <li>• Everyone mainstreams disaster risk reduction to leverage everyday well-being and economic benefits where possible.</li> <li>• Prioritised key industry, economic, social, natural and cultural asset protection.</li> </ul>	<p>reduce their disaster risks to</p>
<p><b>4. Prepared for disasters</b></p> <p>Goal: If a disaster does occur, everyone knows what to do and can do it.</p> <p>What success looks like:</p> <ul style="list-style-type: none"> <li>• Individuals, organisations and communities are prepared for disasters.</li> <li>• Tasmania's emergency management sector has plans and other arrangements ready to respond.</li> <li>• Tasmania's emergency management sector can capably respond and enable relief and recovery.</li> <li>• Relief and recovery support facilitates long-term disaster resilience.</li> </ul>	<p>prepare to withstand and adapt</p>

The next section outlines the strategies to achieve the goals, how the Tasmanian Government is working with others to achieve the goals and gives examples of related current actions.

## 6 Towards a disaster resilient Tasmania

	1. Understanding disaster risk				2. Working together			
What success looks like	There is relevant, accessible and useful data and research.	Everyone is aware of the risks affecting them.	Tasmanians are supported and empowered to manage disaster risk.	Everyone prioritises and manages risk affecting them based on evidence.	Everyone plays their part in reducing and preparing for disaster risks.	All parties collaborate to ensure cohesive action.	All levels of government work together and with others for continual improvement.	Available resources are strategically allocated in line with risk based priorities.
Strategies	Improve the quality, scope, usefulness and accessibility of risk and hazard information and analysis.	Enable and encourage Tasmanians to access and use risk and hazard information and support.	Enable inclusive community capacity building programs across all hazards to suit local and individual needs.	Encourage all parties to reduce their risks and vulnerabilities based on sound evidence and clear priorities.	Ensure there are agreed shared roles and responsibilities across all sectors.	Facilitate and support collaborative cross-sector networks and governance structures.	Tasmanian, Australian and local Governments collaborate to facilitate state, national and local disaster resilience continual improvement.	Encourage risk reduction investment, insurance uptake and other means to reduce risk exposure and maximise broad benefits.
The Tasmanian Government will work with others to...	Continue to fill priority data and knowledge gaps. Improve prioritisation measures for risks and vulnerabilities across all hazards. Continue to improve integrated access to natural disaster information.	Improve the accessibility of risk data and analysis for non-specialists and their diverse needs. Link local risk information to practical guidance on how to manage risk and prepare. Promote risk awareness in ways that suit individual, community and group diverse needs.	Facilitate inclusive policies and programs based on community engagement, awareness and local or individual needs to ensure broad understanding of disaster risks and risk management across all hazards.	Ensure decision-makers have access to relevant risk information to inform decision making. Support councils to manage local risks through local plans, operations and policies.	Clarify and communicate responsibilities for individuals, landowners, businesses and other organisations to reduce risks and be prepared for disasters. Clarify responsibilities for slow onset disasters.	Renew and maintain effective committees and other collaborative networks across sectors and levels of government to facilitate continual improvement. Encourage private/public partnerships for community disaster resilience benefits.	Contribute to local, national and international strategic directions and initiatives. Support local councils in managing risks, disaster preparation and recovery. Enable continuous improvement mechanisms and reporting on disaster resilience actions and outcomes.	Ensure project governance and oversight across funding pools enables clear outcome realisation and the best use of available resources. Continue to encourage uptake of appropriate insurance. Continue to consider disaster risks in major investment decisions.
Example related current actions (see background paper for further details)	Tasmanian State Natural Disaster Risk Assessment (TSNDRA). Ongoing specific hazard assessments. Climate Futures report. The LIST/COP mapping data. Research support.	lplan.tas.gov.au interactive maps including some hazard types, Risk Ready pilot. Disaster resilience curriculum resources.	Hazard-related support for household risk reduction. Business Tasmania advice and workshops. SES Flood Policy Unit.	Regional and municipal risk treatment plans. Climate Change Action Plan. Councils' risk assessment guidelines. ANZCTC Crowded Places Strategy	Tasmanian Emergency Management Arrangements (TEMA). Regional and Municipal Emergency Management (EM) plans.	State Emergency Management Committee and linked collaborative structures. Regional and Municipal EM Committees. State Fire Management Council, related committees.	National Partnership Agreement and related programs. Recovery Partners Network. State involvement in national initiatives. Review of Fire Services Act 1979.	National Partnership Agreement and linked grants programs. Tasmanian Risk Management Fund. Insurance schemes and awareness programs.

3. Reducing disaster risk				4. Prepared for disasters				
Land use and development of the built environment manage long-term vulnerabilities.	Critical infrastructure/ services are reliable and operational during/ after disasters.	Everyone mainstreams disaster risk reduction to leverage everyday benefits.	Prioritised key industry, economic, social, natural and cultural asset protection.	Tasmanian individuals, households, organisations, communities are prepared for disasters.	Tasmania's EM sector has plans and other arrangements ready to respond.	Tasmania's EM sector can capably respond to disasters and enable relief and recovery.	Relief and recovery support facilitates long-term disaster resilience.	What success looks like
Address vulnerabilities through land use planning schemes, building and other regulations and natural resource management plans.	Enhance collaboration to manage vulnerabilities relating to critical infrastructure and services (CI&S).	Encourage all parties to manage disaster risk within normal operations to leverage other benefits where possible.	Prioritise risk prevention, preparedness, protection and recovery for key assets of significant community value.	Tasmanians have access to practical guidance. All levels of government and others support and encourage Tasmanians to prepare for disasters.	Regularly update and improve EM plans and other arrangements based on lessons learnt and other evidence.	Pursue measures to ensure professional staff and volunteers are valued, supported and developed.	Continually improve Relief and Recovery Arrangements to enable quick escalation, community leadership and long-term resilience.	Strategies
Develop strategic policy on managing vulnerabilities through EM experts, planners and others collaboration. Include risk considerations in land use and natural resource management plans, policies, strategies, and use and development controls when developed or reviewed.	Further define Tasmania's vital services and assets. Collaborate to address vulnerabilities and local participation in national initiatives. Support CI&S providers to enhance their physical and organisational resilience. Continue to develop Tasmania's health services resilience.	Support and encourage all organisations and individuals to - include disaster risk management in their normal activities; - develop and maintain contingency and continuity plans; and - leverage everyday benefits where possible.	Prioritise risk reduction and preparedness for: - key state or local community economic and social assets; - crowded places; - educational institutions; and - irreplaceable State natural and cultural heritage assets.	Ensure consistency and clarity of preparedness information and support. Facilitate the uptake of preparedness information and support. Recognise, encourage and promote excellent risk management/ preparedness actions.	Continue to review Tasmania's EM plans, information mechanisms and other arrangements. Use lessons learnt from events and exercises, ongoing risk assessments and other evidence and evaluation to inform improvements	Continue to develop EM sector capabilities. Develop lessons learnt capabilities. Enhance inter-operability arrangements. Further enable and recognise volunteer contributions.	Continually improve the Tasmanian Relief and Recovery Arrangements based on evidence such as lessons learnt. Coordinate support across service providers. Collaborate to strengthen community capacity for locally-led recovery.	The Tasmanian government will work with others to...
Draft State Planning Provisions and Building Act/ Regulations incorporate restrictions/ requirements for hazardous areas.	Service provider risk management. State Special EM Plans. National networks and support mechanisms. Health sector EM plans and procedures.	Local council, Tasmanian Government and other organisations' internal disaster risk management.	Rural and other business support. Crowded places supporting guidelines. Bushfire Ready Schools. EM plans for key natural and cultural assets.	Tools for household preparedness (hazard-based). Bushfire Ready Programs. Business Tasmania guides for businesses.	TEMA, State Special, Regional and Municipal EM Plans. Community Protection Plans. TasALERT hazard specific information mechanisms.	DPFEM staff and volunteer training and development initiatives. Interoperability arrangements.	Tasmanian Relief and Recovery Arrangements and associated support programs. Tasmanian Recovery Partners Network.	Examples of related current initiatives (see background paper for further details)



## 7 Know your risk, connect with others, get ready, act

All Tasmanians can assist emergency management professionals and volunteers before, during and after disasters.

<p><b>Individuals and families</b></p> <ul style="list-style-type: none"> <li>• Understand your risks.</li> <li>• Reduce your risks.</li> <li>• Consider future risks when buying items or property.</li> <li>• Prepare yourself and your household.</li> <li>• Plan for disruption (for example, no power/ water/ communications).</li> <li>• Know where to find key information and use it.</li> <li>• Know your neighbours - you are each others' front line.</li> <li>• Be involved. Volunteering helps you and your community.</li> </ul> <p>More information: <a href="http://TasALERT.tas.gov.au">TasALERT.tas.gov.au</a></p>	<p><b>Businesses and organisations</b></p> <ul style="list-style-type: none"> <li>• Understand and manage your risks.</li> <li>• Make resilience a strategic objective. Include it in plans and strategies.</li> <li>• Invest in organisational resilience. Plan for disruptions. Consider business continuity.</li> <li>• Practice plans and arrangements.</li> <li>• Try to find solutions with everyday benefits.</li> <li>• Consider your social impact.</li> <li>• Keep the long-term in mind.</li> <li>• Collaborate.</li> <li>• Learn about response and recovery.</li> </ul> <p>More information: <a href="http://www.business.tas.gov.au">www.business.tas.gov.au</a></p>
<p><b>Local governments and community organisations</b></p> <ul style="list-style-type: none"> <li>• Understand your local risks.</li> <li>• Make resilience a strategic objective.</li> <li>• Lead, promote and champion community disaster resilience.</li> <li>• Plan for disruption – the community will rely on you during these times.</li> <li>• Aim for resilient urban development and safeguard natural buffers.</li> <li>• Champion investment in resilience.</li> <li>• Understand your collective strengths and assets.</li> <li>• Plan using expert advice from Tasmania's emergency services.</li> <li>• Try to find solutions with everyday benefits.</li> <li>• Help build skills and capacity for response and recovery.</li> </ul>	<p><b>Tasmanian Government agencies</b></p> <ul style="list-style-type: none"> <li>• Organise for resilience.</li> <li>• Check, assess and publicly report on disaster resilience actions.</li> <li>• Champion resilience.</li> <li>• Make resilience easy through supporting guidance and information.</li> <li>• Invest in organisational resilience.</li> <li>• Ensure inclusive approaches and support.</li> <li>• Aim for multi-purpose investments.</li> <li>• Embed disaster resilience across services.</li> <li>• Work together.</li> <li>• Tackle complex risks.</li> <li>• Build skills and capacity for response and recovery.</li> </ul>

Adapted from New Zealand's Strategy for Disaster Resilience and the National Strategy for Disaster Resilience



TASMANIA

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**ENVIRONMENTAL LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL 2019**

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8. Section 23AA inserted  
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53. Section 74E amended (Investigation notice)
54. Section 74F amended (Remediation notice)
55. Section 74K amended (Revocation of notice and issue of completion certificate)

- 56. Section 92 amended (Powers of authorized officers and council officers)
- 57. Section 92AA inserted  
92AA. Emergency action
- 58. Section 92B amended (Power of arrest)
- 59. Section 96D amended (Contents of environment protection policy)
- 60. Section 96G repealed
- 61. Section 96H amended (Preparation of draft environment protection policy)
- 62. Section 96I amended (Notice of draft environment protection policy)
- 63. Section 96L amended (Interim environment protection policy)
- 64. Section 96M amended (Amendment of environment protection policy)
- 65. Section 96MA inserted  
96MA. Revocation of environment protection policy
- 66. Section 98AA amended (Liability for payment of fees)
- 67. Schedule 2 amended (Level 2 Activities)
- 68. Schedule 5 amended (Characteristics to be Considered in Determining Class of Assessment)

### **PART 3 – LIVING MARINE RESOURCES MANAGEMENT ACT 1995 AMENDED**

- 69. Principal Act
- 70. Section 12 amended (Permits)
- 71. Section 13 amended (Grant of permit)
- 72. Section 92A amended (Notification of Director, EPA of certain matters)

### **PART 4 – MARINE FARMING PLANNING ACT 1995 AMENDED**

- 73. Principal Act
- 74. Section 17A amended (Role of Director, EPA in relation to marine farming development plans in relation to finfish farming)
- 75. Section 29 amended (Consideration of draft plan, management controls and representations)

- 76. Section 31 amended (Final approval of draft plan)
- 77. Section 41 amended (Consideration by Panel of draft amendment, &c.)
- 78. Section 42 amended (Final approval or refusal of draft amendment)
- 79. Section 48 amended (Review of marine farming development plans)
- 80. Schedule 2 amended (Membership of Panel)

**PART 5 – CONCLUDING PROVISION**

- 81. Repeal of Act

Consultation draft

**ENVIRONMENTAL LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL 2019**

*(Brought in by the Minister for Environment, Parks and  
Heritage, the Honourable Peter Carl Gutwein)*

**A BILL FOR**

**An Act to amend the *Environmental Management and Pollution Control Act 1994*, the *Living Marine Resources Management Act 1995* and the *Marine Farming Planning Act 1995***

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 *Environmental Legislation (Miscellaneous Amendments) Act 2019*.

**2. Commencement**

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



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**PART 2 – ENVIRONMENTAL MANAGEMENT AND  
POLLUTION CONTROL ACT 1994 AMENDED**

**3. Principal Act**

In this Part, the *Environmental Management and Pollution Control Act 1994*\* is referred to as the Principal Act.

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

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *clean fill* from subsection (1) and substituting the following definitions:

***chairperson of the Panel*** means the person who is, under section 96A(2)(a), the chairperson of the Panel;

***clean fill type 1*** means a mixture –

- (a) containing natural materials, such as soil, rock, crushed rock, gravel, clay or sand, that are in a raw, unaltered form and that have been

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excavated from an area of  
land; and

(b) that does not contain –

(i) an amount, of a  
pollutant, or  
pollutants, that is  
above a level, of  
the pollutant or  
pollutants,  
declared under  
subsection (3)(a);  
and

(ii) a proportion, of a  
substance, or  
substances, that  
are not within  
paragraph (a), that  
is greater than the  
proportion of the  
substance, or  
substances,  
declared under  
subsection (3)(b);  
and

(iii) pieces of material  
that are of  
dimensions greater  
than the  
dimensions  
declared under  
subsection (3)(c);

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***clean fill type 2*** means a mixture –

(a) containing any one or more of the following:

- (i) bricks, masonry or paving blocks;
- (ii) concrete or mortar;
- (iii) bituminised or rubble pavement; and

(b) which does not contain –

- (i) an amount, of a pollutant, or pollutants, that is above a level, of the pollutant, or pollutants, declared under subsection (3)(a); and
- (ii) a proportion, of a substance, or substances, that are not within paragraph (a), that is greater than the proportion of the substance, or

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- substances,  
declared under  
subsection (3)(b);  
and
- (iii) pieces of material  
that are of  
dimensions greater  
than the  
dimensions  
declared under  
subsection (3)(c);
- (b) by inserting “and any development for  
the purposes of enabling such an activity  
to be carried out” after “Schedule 2” in  
the definition of *EL activity* in subsection  
(1);
- (c) by inserting “and any development for  
the purposes of enabling such an activity  
to be carried out” after “Schedule 2” in  
the definition of *level 2 activity* in  
subsection (1);
- (d) by inserting “and any development for  
the purposes of enabling such an activity  
to be carried out” after “*State Policies  
and Projects Act 1993*” in the definition  
of *level 3 activity* in subsection (1);
- (e) by inserting the following definition after  
the definition of *Panel* in subsection (1):

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***permissible level 2 activity*** means a level 2 activity in respect of which a planning authority –

- (a) has a discretion to refuse a permit; or
  - (b) is bound to grant a permit either unconditionally or subject to conditions;
- (f) by inserting the following subsections after subsection (2):

(3) The Director may declare –

- (a) a level of a pollutant, or pollutants, for the purposes of paragraph (b)(i) of the definition of ***clean fill type 1*** in subsection (1) or paragraph (b)(i) of the definition of ***clean fill type 2*** in subsection (1), or both; and
- (b) a proportion, of a substance, or substances, for the purposes of paragraph (b)(ii) of the definition of ***clean fill type 1*** in subsection (1) or paragraph (b)(ii) of the definition of ***clean fill***

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*type 2* in subsection (1),  
or both; and

- (c) the dimensions of pieces of material for the purposes of paragraph (b)(iii) of the definition of *clean fill type 1* in subsection (1) or paragraph (b)(iii) of the definition of *clean fill type 2* in subsection (1), or both.

- (4) The Director is to ensure that a copy of a declaration under subsection (3) that is in force is published on a website of the Department.

**5. Section 5C amended (Finfish farming)**

Section 5C(2)(b) of the Principal Act is amended by inserting “that are prescribed for the purposes of this paragraph” after “paragraph (a)”.

**6. Section 6 amended**

Section 6 of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);

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(b) by inserting the following subsections after subsection (1):

(2) For the purposes of subsection (1), an occupier or person in charge of a place is taken to have polluted the environment with a pollutant at that place if the pollutant –

(a) escapes from one part of the place into another part of the place; or

(b) is discharged, or emitted, from a container at a part of the place, other than into another container; or

(c) was deposited on or into a part of the place outside a container –

otherwise than in accordance with an environmental licence, an environment protection notice, a direction of an authorized officer or a permit.

(3) Without limiting the generality of subsection (2), that subsection applies in relation to the escape, discharge, emission or deposition of a pollutant by a person on an area of land that occurs with the



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consent of the occupier, or the person in charge, of the area of land.

(4) Subsection (2) does not limit the circumstances in which the occupier or person in charge of a place at which a pollutant escapes or is discharged, emitted or deposited is taken to have polluted the environment with the pollutant.

(5) A reference in subsection (2) to a container includes a reference to –

(a) a part of a processing plant, a pipe, drum, tank or other receptacle; and

(b) any area of water or soil –

in which a pollutant is authorised, under an environmental licence, an environment protection notice, a direction of an authorized officer or a permit, to be contained.

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**7. Section 22 amended (Registers of environmental management and enforcement instruments)**

Section 22(1) of the Principal Act is amended by inserting after paragraph (e) the following paragraph:

- (ea) any relevant information, within the meaning of section 23AA, that is dealt with by the Director under section 23AA(2); and

**8. Section 23AA inserted**

After section 23 of the Principal Act, the following section is inserted in Division 2:

**23AA. Environmental monitoring information**

- (1) In this section –

*relevant information* means information that –

- (a) results from, or relates to, monitoring of the environmental effects of an activity, including but not limited to any of the following:
  - (i) the results of any type of test or measurement of any emissions, discharge or deposition of a substance;

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- (ii) reports as to the condition of the environment at the place where the activity occurs or that is in the proximity of that place;
  - (iii) any interpretation, or analysis, of such results or reports;
  - (iv) any photographs, visual recordings, audio recordings or audio-visual recordings; and
- (b) is provided under this Act, or another prescribed Act, to the Board or the Director.
- (2) The Director may –
- (a) publish any relevant information; or
  - (b) provide relevant information to members of the public or a person or body; or
  - (c) make relevant information available for viewing by members of the public or a person or body –

in the manner that the Director thinks fit.

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- (3) Subsection (2) applies in relation to relevant information whether or not the person or body that provided the information to the Director or the Board agrees to the information being dealt with in accordance with that subsection.

**9. Section 24 amended (Assessment of permissible level 1 activities)**

Section 24(3) of the Principal Act is amended by inserting “that has been referred to the Board in accordance with subsection (1),” after “58 of the *Land Use Planning and Approvals Act 1993*”.

**10. Section 25 amended (Assessment of permissible level 2 activities)**

Section 25 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (b) in subsection (1A):
- (ba) it is an activity prescribed for the purposes of section 5C(2)(b); or
- (b) by inserting the following subsection after subsection (1D):
- (1DAAA) A determination under subsection (1D) in relation to an application is to be made in accordance with the prescribed

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criteria as to when the Board must, or must not, determine that it needs to assess the activity to which an application relates.

- (c) by omitting from subsection (1DAC)(b) “*Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015.*” and substituting “*Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*; or”;

- (d) by inserting the following paragraph after paragraph (b) in subsection (1DAC):

- (c) an application in relation to an activity, if –

- (i) the Board has made, in accordance with section 27B(1A)(a)(i), a determination to refuse to grant an environmental licence in relation to the activity; or

- (ii) the Board has made, in accordance with section 27B(1A)(a)(ii), a determination to refuse to vary an environmental licence in relation to the activity.

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(e) by omitting subsection (1E) and substituting the following subsection:

(1E) The Board is taken to have determined under subsection (1D) that it needs to assess under this Act an activity, that is not an EL activity, to which the application relates, if it has not notified the planning authority to the contrary before the end of the 14-day period referred to in subsection (1D).

(f) by omitting from subsection (2)(d) “42 days” and substituting “63 days”;

(g) by inserting in subsection (3) “under subsection (1D) not to assess an activity to which an application relates under this Act or determines under subsection (1DAB)(c)(i) that a proposed expansion, intensification or modification of an activity to which an application relates is not environmentally significant, and accordingly determines under subsection (1DAB)(c)” after “determines”;

(h) by omitting from subsection (3) “to which an application relates under this Act”;

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- (i) by inserting in subsection (4)(a) “, or if subsection (1DAC)(c) applies in relation to the application” after “relates”;
- (j) by inserting in subsection (8)(c) “, as soon as practicable after making the decision,” after “must”;
- (k) by inserting in subsection (8)(c) “and, if it has decided to grant a permit, provide to the Board a copy of the permit so granted” after “permit”;
- (l) by inserting in subsection (8A) “to which subsection (5) relates” after “permit”;
- (m) by omitting subsection (9).

**11. Section 25A amended (Assessment of applications for permits that are combined with applications for planning scheme amendments )**

Section 25A of the Principal Act is amended by inserting after subsection (3A) the following subsections:

- (3AB) On completion under subsection (3) of an assessment, for the purposes of the *Land Use Planning and Approvals Act 1993*, in relation to an activity, other than an EL activity –
  - (a) the Board must notify the planning authority and the Commission –



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- (i) of any condition or restriction which the Board requires to be contained in a permit granted under the *Land Use Planning and Approvals Act 1993* in respect of the activity; and
- (ii) of the reasons for requiring the condition or restriction; or

(b) the Board must –

- (i) direct the planning authority and the Commission to refuse to grant the permit; and
- (ii) notify the planning authority and the Commission of the reasons for giving the direction.

(3AC) Conditions which the Board may, under subsection (3AB), require to be contained in a permit granted under the *Land Use Planning and Approvals Act 1993* may include –

- (a) a condition requiring the person to whom the permit is granted to apply for a further permit under

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the Act in the event of a proposed change in the activity which might result in environmental harm; and

- (b) a condition requiring the person to whom the permit is granted to prepare, and submit to the Board for approval, an environmental management plan for the proposed activity; and
- (c) a condition requiring the person to whom the permit is granted to undertake regular monitoring of the environmental effects of the activity and to report the results of that monitoring to the Board on a regular basis; and
- (d) a condition providing that the activity can be undertaken only for a specified period of time, after which period a further permit under that Act may be required; and
- (e) a condition requiring that, if the activity ceases, the site must be rehabilitated in accordance with the Board's requirements; and
- (f) a condition requiring the person to whom the permit is granted to undertake such measures as the

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Board may specify to limit the environmental effects of traffic movements to and from the land to which the permit applies.

(3AD) Where the Board has, under subsection (3AB), required conditions or restrictions to be contained in a permit or has directed a planning authority and the Commission to refuse to grant a permit, the planning authority and the Commission –

- (a) must include any such condition or restriction in a permit granted by it or must not grant the permit; and
- (b) must not include any other condition or restriction which is inconsistent with, or which extends the operation of, any conditions or restrictions which the Board requires to be contained in the permit; and
- (c) must, as soon as practicable after making the decision, notify the Board of its decision to grant or refuse to grant a permit and, if it has decided to grant a permit, provide to the Board a copy of the permit so granted; and

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- (d) must not, if it grants the permit, exercise its power under section 56(2) of the *Land Use Planning and Approvals Act 1993* in respect of that permit without the prior written consent of the Board.
- (3AE) If a permit to which subsection (3AB) relates is granted with conditions or restrictions required by the Board, the planning authority is not required or entitled to exercise any power that it could otherwise exercise under this or any other Act to enforce those conditions or restrictions unless the Director and the planning authority have, in writing, agreed otherwise.
- (3AF) Subsection (3AE) has effect despite Part 4 of this Act, Part 4 of the *Land Use Planning and Approvals Act 1993* or any other enactment.
- (3AG) The Director may, by notice in writing to a planning authority, revoke any agreement that the Director has entered into with that planning authority for the purposes of subsection (3AE).

**12. Section 27 amended (Assessment of activities which do not require a permit)**

Section 27 of the Principal Act is amended as follows:

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- (a) by inserting in subsection (1) “or which is a level 2 activity in relation to which the person has been notified in writing by the relevant planning authority that a permit is not required under that Act,” after “*Land Use Planning and Approvals Act 1993*,”;
- (b) by inserting the following subsection after subsection (1):
  - (1AA) Subsection (1) does not apply in relation to an activity being carried on by a person if, immediately before the activity was specified in or under this Act to be a level 2 activity, the activity was not a level 1 activity or level 3 activity and the person was not conducting the activity in contravention of this Act.
- (c) by omitting from subsection (2) “details of”;
- (d) by inserting the following subsection after subsection (2):
  - (2A) A person who refers a proposed activity to the Board under subsection (1) or (2) must provide to the Board –
    - (a) at the same time as the activity is referred to the

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Board, details of the  
proposed activity; and

- (b) at the request of the Board, any further details in relation to the proposed activity that the Board specifies in the request.
- (e) by omitting from subsection (6)(a) “cause the Director to,”;
- (f) by inserting in subsection (6)(a)(i) “under section 44(1A)” after “notice”;
- (g) by omitting from subsection (8) “an activity to which section 27AA applies” and substituting “EL activity”.

**13. Section 27AA amended (Assessment of EL activities where no planning permit required or where Director refers proposal for variation to Board)**

Section 27AA of the Principal Act is amended by inserting after subsection (1) the following subsections:

- (1A) Subsection (1) does not apply in relation to a proposed expansion, intensification or modification of an activity, if there is an environmental licence in relation to the activity.

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(1B) A person who refers a proposed activity to the Board under subsection (1) must provide to the Board –

- (a) at the same time as the activity is referred to the Board, details of the proposed activity; and
- (b) at the request of the Board, any further details in relation to the proposed activity that the Board specifies in the request.

**14. Section 27AB amended (Assessment of EL activity where PORS declared)**

Section 27AB of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (6):

(6A) A notice under subsection (6)(a) –

- (a) is not to be given before whichever of the following last occurs:

- (i) 14 days after the end of the period in which an appeal against the decision under

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section 42K(2) or  
section 42Q(2) to  
which the notice  
relates may be  
made under  
section 42ZI(5);

(ii) the day on which  
an appeal under  
section 42ZI or  
42ZJ against the  
decision to which  
the notice relates  
is determined by  
the Appeal  
Tribunal; and

(b) is not required to be given  
in relation to a decision to  
which an appeal relates if  
the decision is not  
confirmed by the Appeal  
Tribunal.

(b) by inserting in subsection (7)(b) “or  
section 42R” after “section 42M(2)”.

**15. Section 27AC amended (Directions in relation to  
permits in respect of EL activities)**

Section 27AC of the Principal Act is amended  
by inserting after subsection (2) the following  
subsection:

(2A) A notice under subsection (2)(a) –



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(a) is not to be given before  
whichever of the following last  
occurs:

(i) 14 days after the end of  
the period in which an  
appeal against the  
decision under  
section 42K(2) or  
section 42Q(2) to which  
the notice relates may be  
made under  
section 42ZI(5);

(ii) the day on which an  
appeal under section 42ZI  
or 42ZJ against the  
decision to which the  
notice relates is  
determined by the Appeal  
Tribunal; and

(b) is not required to be given in  
relation to a decision to which an  
appeal relates if the decision is  
not confirmed by the Appeal  
Tribunal.

**16. Section 27AE inserted**

After section 27AD of the Principal Act, the  
following section is inserted in Division 1:

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**27AE. Proposal in relation to dormant activities to be referred to Board**

- (1) The Director must prepare, and refer to the Board, a proposal requiring the Board to conduct an environmental assessment in relation to an activity to which an environmental licence relates if subsection (2) applies in relation to the environmental licence.
- (2) This subsection applies in relation to an environmental licence if –
  - (a) the licence was granted in accordance with section 42E and no finfish have been kept, for any period within the previous 10-year period, under the licence or under the existing authorisation, within the meaning of section 42B, to which that licence relates; or
  - (b) no finfish have, within the previous 10-year period, been kept under the licence; or
  - (c) finfish have been kept, within the previous 10-year period, under the licence or under the existing authorisation, within the meaning of section 42B, to which that licence relates, but only under –

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- (i) a permit that has been issued under section 12 or 14 of the *Living Marine Resources Management Act 1995*; or
  - (ii) an emergency order; or
  - (iii) an emergency plan.
- (3) If a proposal in relation to an activity is referred to the Board under subsection (1), the Board is to conduct, in accordance with the Environmental Impact Assessment Principles and Division 1A, an assessment of the activity.
- (4) If, in accordance with section 42P(8A), a proposal to vary an environmental licence in relation to an activity accompanies a proposal in relation to the activity that is referred to the Board under subsection (1), the Board is to conduct together the environmental assessment of both proposals.
- (5) The Board must, after conducting an environmental assessment in relation to a proposal in relation to an activity that is referred to the Board under subsection (1), advise the Director whether the Board is of the opinion that the area to which the licence relates is

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not suitable for the keeping of finfish  
under the licence.

**17. Section 27A amended (Classes of assessment)**

Section 27A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or section 27AE” after “27AA”;
- (b) by inserting the following subsection after subsection (1):

(1A) The Board –

- (a) is to determine the class of assessment, referred to in subsection (1), that is to apply in relation to the activity; and
- (b) may, at any time before an assessment is completed, revoke a previous determination under paragraph (a) in relation to an activity and determine that a different class of assessment, referred to in subsection (1), is to apply in relation to the activity.

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**18. Section 27B amended (Notice of intent)**

Section 27B of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “in relation to the activity” after “intent”;
- (b) by omitting from subsection (1A)(b) “project to which the activity relates” and substituting “activity”;
- (c) by inserting in subsection (2) “in relation to an activity” after “A notice of intent”;
- (d) by inserting in subsection (2)(a) “to which the notice of intent relates” after “application”;
- (e) by omitting paragraphs (b) and (c) from subsection (2) and substituting the following paragraphs:
  - (b) the name, if any, assigned by the person to the activity and where the activity is to be carried out;
  - (c) the background of the person proposing to undertake the activity, including details of the person’s experience and financial capacity to undertake the activity and the person’s contact details;

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- (f) by omitting from subsection (2)(d) “project” and substituting “activity”;
- (g) by omitting from subsection (2)(e) “proposed location of the project” and substituting “area of land or State waters where it is proposed to undertake the activity”;
- (h) by omitting from subsection (2)(g) “project” and substituting “activity”;
- (i) by omitting from subsection (2)(h) “for the project to date” and substituting “to date in relation to the proposal to carry out the activity”;
- (j) by omitting from subsection (2)(i) “project” and substituting “activity”;
- (k) by omitting from subsection (2)(j) “project” and substituting “activity”;
- (l) by omitting from subsection (2)(k) “project” and substituting “activity”.

**19. Section 27C substituted**

Section 27C of the Principal Act is repealed and the following section is substituted:

**27C. Board to advise of proposed class of assessment**

- (1) The Board is to advise the proponent or applicant, and, except if section 27 or

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section 27AA applies, the planning authority, of the determination under section 27A(1A)(a) of the class of assessment that is proposed to be undertaken under section 27A in relation to an activity –

- (a) if an application in relation to the activity has been referred to the Board under section 25(1) and no notice of intent has been lodged under section 27B(1) in relation to the activity – within 14 days of the making by the Board of a determination under section 25 that the Board needs to assess the activity; or
- (b) if a notice of intent has been lodged under section 27B(1) in relation to the activity – within 14 days of the making by the Board of a determination under section 42K(2) or 42Q(2) in relation to the activity, or of the Board being satisfied that the notice of intent complies with section 27B(2), whichever occurs later; or
- (c) where a proposal in relation to the activity has been referred to the Board under section 27AA(1) – within 14 days of the making by the Board of a determination

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under section 27AA(3) in relation to the activity; or

- (d) within 14 days of the referral of an application under section 24(1) or section 27(1); or
- (e) where a proposal has been referred to the Board under section 42I or section 42O – within 14 days of the making under section 27AA(3) or section 27AA(4), respectively, of a determination in relation to the proposal; or
- (f) where a proposal has been referred to the Board under section 42P(6), (7) or (8) or section 27AE(1) – within 14 days of the referral.

(2) If the Board, in accordance with section 27A(1A)(b), determines that a class of assessment is to apply in relation to an activity –

- (a) the Board is to notify the proponent as soon as practicable after the determination is made; and
- (b) this Division applies in relation to the activity as if the previous determination of the class of activity had not occurred.



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**20. Section 27F amended (Case for assessment to be lodged within 12 months)**

Section 27F of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):
  - (2A) If a proposal prepared by the Director is referred to the Board under section 27AE(1) or section 42P(6), (7) or (8), the Board may waive the requirement under subsection (1) for a case for assessment of the proposal to be prepared.
- (b) by inserting in subsection (2) “and subsection (2A) does not apply” after “subsection”;
- (c) by inserting in subsection (5) “section 27AA(1), section 42I(2) or section 42O(1) or (5)” after “(2),”.

**21. Section 27G amended (Periods for advertising of applications and proposals)**

Section 27G of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “cause the Director to”;

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- (b) by inserting in subsection (1)(b) “, section 27AE” after “section 27AA”;
- (c) by inserting in subsection (4) “or, if no such representations have been received, a notice stating that no such representations have been received” after “section 57(5) of the *Land Use Planning and Approvals Act 1993*”.

**22. Section 27H amended (Period for completion of assessment)**

Section 27H(1) of the Principal Act is amended by inserting “or a notice stating that no such representations have been received” after “section 25(1)”.

**23. Section 42I amended (Applications for environmental licences)**

Section 42I of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

- (5) The Director must refuse to accept an application under subsection (1) in relation to an EL activity if the activity relates to marine farming and both of the following circumstances apply:
  - (a) there is no lease under Part 4 of the *Marine Farming Planning Act 1995* in relation to the activity;

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- (b) the applicant is not the holder of a permit under section 12 or 14 of the *Living Marine Resources Management Act 1995* in relation to the activity.

**24. Section 42K amended (Grant of licence by Board)**

Section 42K(2)(a) of the Principal Act is amended by omitting “28 days” and substituting “42 days”.

**25. Section 42L amended (Refusal by Director or Board to grant licence)**

Section 42L(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “licence is granted” and substituting “grant of the licence is refused”;
- (b) by omitting from paragraph (d) “licence is granted” and substituting “grant of the licence is refused”;
- (c) by omitting from paragraph (f) “, in relation to the licence,”.

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**26. Section 42M amended (Notifications of grant or refusal of licences or refusal to accept application for licences)**

Section 42M of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(e) “to which” and substituting “to which section 27B(1A) or”;
- (b) by inserting in subsection (2)(e) “, or activity,” after “project”;
- (c) by inserting the following paragraph after paragraph (a) in subsection (5):
  - (ab) if the notice is to be given to the proponent or the planning authority and section 25(1DAA)(b) or (c) applies in relation to the decision – that includes a statement about the determination of the Board under 25(1DAA)(b) or (c) that the Board needs, or does not need, to assess the activity to which the decision relates; and

**27. Section 42N amended (Variation of licence by Director at holder’s request)**

Section 42N of the Principal Act is amended as follows:

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

(2A) The Director may refuse to accept an application to vary an environmental licence if the licence relates to marine farming and both of the following circumstances apply:

(a) there is no lease under Part 4 of the *Marine Farming Planning Act 1995* in relation to the activity;

(b) the applicant is not the holder of a permit issued under section 12 or 14 of the *Living Marine Resources Management Act 1995* in relation to the activity.

(b) by inserting in subsection (3) “or subsection (2A)” after “subsection (2)”;

(c) by omitting subsection (4) and substituting the following subsection:

(4) The Director may, under subsection (3)(a), vary an environmental licence as the Director thinks appropriate and may do so –

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- (a) otherwise than in accordance with the variation applied for by the holder of the licence; and
  - (b) without seeking from the holder of the licence reasons as to why the licence ought not be so varied.
  - (d) by omitting from subsection (5)(c) “, in relation to the licence,”.

**28. Section 42O amended (Referral to Board of certain applications for variation)**

Section 42O of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:
  - (b) the activity relates to marine farming and there is in relation to the EL activity either –
    - (i) a marine farming licence; or
    - (ii) a permit issued under section 12 or 14 of the *Living Marine Resources*

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that is in force in relation  
to the activity –

- (b) by omitting paragraph (b) from subsection (3) and substituting the following paragraph:
  - (b) the EL activity consists of inland fish farming –
- (c) by omitting from subsection (4)(b) “class A” and substituting “class 2A”.

**29. Section 42P amended (Variation of licence on Director’s initiative)**

Section 42P of the Principal Act is amended as follows:

- (a) by omitting from subsection (5)(b) “is permitted under subsection (6) or (7) to” and substituting “must, under subsection (6) or (7),”;
- (b) by omitting from subsection (6) “may” and substituting “must”;
- (c) by inserting in subsection (6) “, for assessment in accordance with section 27AA(5),” after “refer to the Board”;
- (d) by omitting from subsection (7) “may” and substituting “must”;

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(e) by inserting in subsection (7) “, for assessment in accordance with section 27AA(5),” after “Board”;

(f) by omitting subsection (8) and substituting the following subsections:

(8) The Director may refer to the Board, for assessment in accordance with section 27AA(5), a proposal, prepared by the Director, to vary an environmental licence in relation to an activity in relation to which a proposal has been referred to the Board under section 27AE.

(8A) A referral under subsection (8) of a proposal to vary an environmental licence in relation to an activity may accompany a proposal, referred to the Board under section 27AE, in relation to the activity.

**30. Section 42Q amended (Variation by Board of licence)**

Section 42Q of the Principal Act is amended as follows:

(a) by omitting “(8);” from paragraph (c) of the definition of *relevant assessment* in subsection (1) and substituting “(8); or”;



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- (b) by inserting the following paragraph after paragraph (c) in the definition of *relevant assessment* in subsection (1):
  - (d) under section 27AE(3) in relation to a proposal that is referred to the Board by the Director under section 27AE(1);
- (c) by inserting “or activity” after “a project” in the definition of *relevant project* in subsection (1);
- (d) by omitting “a project, in relation to an EL activity,” from paragraph (b) of the definition of *relevant project* in subsection (1) and substituting “an EL activity”;
- (e) by omitting from subsection (2)(a) “28 days” and substituting “42 days”;
- (f) by omitting subsection (4) and substituting the following subsection:
  - (4) The Board may, under subsection (3)(a), vary an environmental licence as the Board thinks appropriate and may do so otherwise than in accordance with –
    - (a) the variation sought by the holder of the licence in any application that is

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referred to the Board by  
the Director under  
section 42O; or

- (b) an application for a permit  
that has been referred to  
the Board; or
  - (c) a proposal by the Director  
that is referred to the  
Board by the Director.
- (g) by omitting from subsection (5)(a) “;  
and” and substituting “; or”;
- (h) by inserting the following paragraph after  
paragraph (a) in subsection (5):
- (ab) in the case of an assessment  
under section 27AE in relation to  
the environmental licence, the  
area to which the environmental  
licence relates is not suitable for  
the keeping of finfish under the  
licence; or
- (i) by omitting from subsection (5)(b)(iii) “;  
and” and substituting “; or”;
- (j) by omitting from subsection (5)(c) “, in  
relation to the licence,”.

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**31. Section 42R amended (Notice of decision by Board in relation to variation)**

Section 42R of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (b) in subsection (1):
  - (ba) if the application relates to a project to which section 27AB(4)(b) relates, the Panel, within the meaning of section 27AB, and the proponent, in relation to the project; and
- (b) by inserting the following paragraph after paragraph (b) in subsection (4):
  - (ba) if the notice is to be given to the proponent or the planning authority and section 25(1DAB)(c) or (d) applies in relation to the decision – that includes a statement about the determination of the Board under section 25(1DAB)(c) or (d), respectively, that the Board needs, or does not need, to assess the activity to which the decision relates; and

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**32. Section 42S amended (Applications for renewal of licences)**

Section 42S of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “made” and substituting “lodged with the Director”;
- (b) by omitting from subsection (3) “made” and substituting “lodged with the Director”;
- (c) by inserting the following subsection after subsection (3):

(3A) The Director may refuse to accept an application to renew an environmental licence if the *licence* relates to marine farming and both of the following circumstances apply:

- (a) there is no lease under Part 4 of the *Marine Farming Planning Act 1995* in relation to the activity;
- (b) the applicant is not the holder of a permit issued under section 12 or 14 of the *Living Marine Resources Management Act 1995*.

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**33. Section 42T amended (Renewal of licences on application)**

Section 42T of the Principal Act is amended as follows:

- (a) by omitting from subsection (4)(d) “, in relation to the licence,”;
- (b) by omitting from subsection (5) “vary” and substituting “renew”;
- (c) by inserting the following subsection after subsection (7):

(7A) The conditions or restrictions that may be imposed on an environmental licence renewed under subsection (1) –

- (a) may be, but are not required to be, conditions or restrictions that were on, or that are identical to conditions or restrictions that were on, the licence before it was renewed; but
- (b) must not include a condition or restriction that would authorise the activity to which the licence relates to be expanded, intensified or modified.

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- (d) by inserting in subsection (9)(c) “and that were not imposed on the licence before it was renewed or that are not identical to the conditions or restrictions imposed on the licence before it was renewed,” after “subsection (1)”;
  - (e) by inserting the following paragraph after paragraph (c) in subsection (9):
    - (ca) of any conditions or restrictions that were imposed on the licence before it was renewed and that have not been imposed on the licence as renewed under subsection (1), and the reasons for not imposing them; and

**34. Section 42U amended (Renewal of licence on Director’s own initiative)**

Section 42U of the Principal Act is amended as follows:

- (a) by omitting from subsection (4) “, under subsection (1)”;
- (b) by inserting in subsection (4) “under subsection (1)” after “renewed”;
- (c) by inserting the following subsection after subsection (4):
  - (4A) The conditions or restrictions that may be imposed on an

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environmental licence that is  
renewed under subsection (1) –

- (a) may be, but are not required to be, conditions or restrictions that were on, or that are identical to conditions or restrictions that were on, the licence before it was renewed; but
- (b) must not include a condition or restriction that would authorise the activity to which the licence relates to be expanded, intensified or modified.
- (d) by inserting in subsection (6)(a) “and of the reasons for the renewal” after “section”;
- (e) by inserting in subsection (6)(b) “and that were not imposed on, or identical to conditions or restrictions imposed on, the licence before it was renewed,” after “subsection (1)”;
- (f) by inserting the following paragraph after paragraph (b) in subsection (6):
  - (ba) of any conditions or restrictions that were imposed on the licence before it was renewed and that

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have not been imposed on the  
licence as renewed under  
subsection (1), and the reasons  
for not imposing them; and

**35. Section 42W amended (Transfer of licences)**

Section 42W of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (4):

(4A) The conditions or restrictions of an environmental licence as transferred under subsection (2) –

- (a) may be, but are not required to be, conditions or restrictions that were on, or that are identical to conditions or restrictions that were on, the licence before it was transferred; but

- (b) must not include a condition or restriction that would authorise the activity to which the licence relates to be expanded, intensified or modified.



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- (b) by inserting in subsection (6) “, and the person to whom it is proposed that the licence be transferred” after “environmental licence”;
- (c) by inserting in subsection (6)(c) “and that were not on, or that are not identical to conditions or restrictions that were on, the licence before it was transferred, ” after “subsection (2)”;
- (d) by inserting the following paragraph after paragraph (c) in subsection (6):
  - (ca) of any conditions or restrictions that were imposed on the licence before it was transferred and that have not been imposed on the licence as transferred under subsection (2), and the reasons for not imposing them; and
- (e) by omitting from subsection (6)(d) “of the person under Subdivision 9” and substituting “under Subdivision 9, of the person who has applied under subsection (1) for the transfer,”.

**36. Section 42Z amended (Conditions and restrictions of licences)**

Section 42Z of the Principal Act is amended as follows:

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(a) by inserting the following subsections after subsection (2):

(2A) Without limiting the generality of subsection (1), the conditions or restrictions that may be imposed on an environmental licence –

(a) may relate to any or all of the following:

(i) an area of land to which the licence relates;

(ii) the area of State waters on which finfish farming is to occur under the licence;

(iii) an area of land, or an area of State waters, that is not the area of land or area of State waters to which the licence relates; and

(b) may relate to waters to which a finfish marine farming exclusion zone established under section 19A of the *Marine Farming Planning Act*

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1995 relates, if the condition or restriction does not purport to authorise the keeping of fish in the zone.

(2B) The carrying out, in waters to which a finfish marine farming exclusion zone established under section 19A of the *Marine Farming Planning Act 1995* relates, of an activity, other than the keeping of fish, is, despite any provision of that Act, authorised to be carried out in that zone if it is carried out –

(a) under an environmental licence; and

(b) in accordance with a condition or restriction imposed on the licence in accordance with subsection (2A)(b).

(b) by omitting from subsection (3)(a) “Director” and substituting “Board”;

(c) by inserting the following subsection after subsection (7):

(8) If a condition or restriction imposed on an environmental licence in relation to an activity is

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inconsistent with the conditions and restrictions, if any, imposed on a permit in relation to the activity, the condition or restriction imposed on the permit is of no effect to the extent of the inconsistency.

**37. Section 42ZA amended (Director may require information to be provided)**

Section 42ZA of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “or the Director is proposing to vary under section 42P(1) an environmental licence held by the person”;
- (b) by inserting the following paragraphs after paragraph (c) in subsection (1):
  - (ca) the Director is proposing to vary under section 42P(1) an environmental licence held by the person; or
  - (cb) the Board is undertaking under section 27AE(3) an assessment of an environmental licence held by the person; or
- (c) by omitting from subsection (2) “require the person” and substituting “, by notice

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to the person, require the person, by a date specified in the notice,”;

- (d) by omitting from subsection (4) “subsection (1)(a)” and substituting “, subsection (1)(a), (ca) or (cb)”.

**38. Section 42ZE amended (Notices of certain decisions to be given)**

Section 42ZE of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a) in subsection (2):
- (ab) a referral to the Board under section 25(1)(b), section 27(1), section 27AA(1), section 27AE(1), section 42O(5) or section 42P(7) or (8) of an application, proposed activity, or proposal, that relates to inland fish farming; and
- (b) by inserting the following paragraph after paragraph (a) in subsection (3):
- (ab) a referral to the Board under section 25(1)(b), section 27(1), section 27AA(1), section 27AE(1), section 42I(2), section 42O(5) or section 42P(6) or (8) of an application, activity,

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or proposed activity, that relates  
to marine farming; and

**39. Section 42ZEA inserted**

After section 42ZE of the Principal Act, the  
following section is inserted in Subdivision 7:

**42ZEA. Correction of errors on environmental  
licences**

- (1) The Director may correct an  
environmental licence that contains –
- (a) a clerical mistake or an error  
arising from any accidental slip  
or omission; or
  - (b) an evident material  
miscalculation of figures or an  
evident material mistake in the  
description of any person, thing  
or property referred to in the  
licence.
- (2) If the Director corrects an environmental  
licence, the Director is to issue another  
licence document, in substitution for the  
environmental licence that has been  
corrected, altered only so as to contain  
the correction.
- (3) The licence document issued under  
subsection (2) in relation to an  
environmental licence –

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- (a) is to be served on the holder of the licence; and
  - (b) takes effect on the day on which the licence is served on the holder of the licence.
- (4) Section 42ZB(5), (6) and (7) apply in relation to a licence document issued under subsection (2).

**40. Section 42ZF amended (Suspension, or cancellation, of licences)**

Section 42ZF of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (2):
  - (2A) The Director may also cancel an environmental licence under subsection (1) if –
    - (a) he or she has received under section 27AE(5) from the Board advice that the Board is of the opinion that the area to which the licence relates is not suitable for the keeping of finfish under the licence; and

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- (b) the Director is of the opinion that the licence ought to be cancelled because a variation of the conditions or restrictions of the licence will not sufficiently reduce, manage or ameliorate any harm to the environment that the keeping of finfish under the licence may cause.
- (b) by inserting the following paragraph after paragraph (a) in subsection (4):
- (ab) may cancel an environmental licence and impose requirements on the former holder of the licence; and
- (c) by inserting in subsection (5) “or subsection (4)(ab)” after “subsection (4)(a)(ii)”;
- (d) by inserting in subsection (5) “, or, if the licence has been cancelled by the notice, the former holder of the licence,” after “licence”;
- (e) by omitting from subsection (5)(c) “harm.” and substituting “harm; or”;
- (f) by inserting the following paragraph after paragraph (c) in subsection (5):



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- (d) remove fish, plant, equipment or materials from an area of land or area of State waters.
- (g) by inserting the following subsection after subsection (5):
  - (5A) A person who was the holder of a licence immediately before the licence was cancelled by a notice under subsection (1) must comply with a requirement specified in the notice.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; and
- (b) a natural person, a fine not exceeding 500 penalty units or imprisonment for a term not exceeding 12 months, or both.

**41. Section 42ZH amended (Surrender of licence)**

Section 42ZH of the Principal Act is amended by inserting after subsection (3) the following subsection:

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- (3A) A person to whom a notice is given under subsection (2) must comply with the conditions or restrictions specified in the notice.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; and
- (b) a natural person, a fine not exceeding 500 penalty units or imprisonment for a term not exceeding 12 months, or both.

**42. Section 42ZI amended (Right of appeal)**

Section 42ZI of the Principal Act is amended as follows:

- (a) by inserting in subsection (2)(b) “or to grant the licence for a period that is not unlimited” after “licence”;
- (b) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:
  - (d) under section 42Q to vary the environmental licence; or
- (c) by inserting the following paragraph after paragraph (f) in subsection (3):

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- (fa) under section 42T as to the period for which a licence that has been renewed is to remain in force; or
- (d) by inserting the following paragraph after paragraph (g) in subsection (3):
  - (ga) under section 42U as to the period for which a licence that has been renewed is to remain in force; or
- (e) by inserting in subsection (3)(h) “or is not substantially the same as a condition or restriction of the licence before the licence was renewed” after “was renewed”;
- (f) by inserting in subsection (3)(j) “or is not substantially the same as a condition or restriction of the licence before the licence was transferred” after “was transferred”;
- (g) by inserting the following paragraph after paragraph (j) in subsection (3):
  - (ja) under section 42W as to the period for which a licence that has been transferred is to remain in force; or
- (h) by inserting the following subsection after subsection (3):

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(3A) Despite subsection (3)(d), a person may only appeal to the Appeal Tribunal against a decision of the Board if –

(a) the variation is not a variation of the licence for which the holder of the environmental licence applied in a relevant application within the meaning of section 42Q(1); and

(b) where the variation is made after an assessment conducted under section 27AA(5) – the person provided the Board under section 42P(10) with written reasons why the licence ought not be so varied.

**43. Section 42ZJ amended (Appeals by persons who have made representations )**

Section 42ZJ of the Principal Act is amended as follows:

(a) by inserting “or section 27AE” after “section 27AA” in paragraph (c) of the definition of *relevant representation* in subsection (1);

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(b) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:

(c) to impose, when granting an environmental licence, a condition or restriction on the licence or to refuse, when granting an environmental licence, to impose on the licence a condition, or restriction, that is proposed in the relevant representation –

(c) by omitting from subsection (2) “, within the meaning of the *Resource Management and Planning Appeal Tribunal Act 1993*,”.

**44. Section 42ZK amended (Effect of notice of appeal)**

Section 42ZK of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “application” and substituting “appeal”;
- (b) by omitting from subsection (2) “application” and substituting “appeal”;
- (c) by omitting subsections (3) and (4) and substituting the following subsections:

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(3) If an appeal is made under section 42ZI(2)(b) –

- (a) in relation to a decision by the Board to impose a condition or restriction on an environmental licence, the licence is of no effect, subject to the determination of the appeal; or
- (b) in relation to a decision by the Director to impose a condition or restriction on an environmental licence, the licence, and the conditions and restrictions on the licence, remain in effect, subject to the determination of the appeal; or
- (c) in relation to a decision by the Director or the Board or to grant the licence for a period that is not unlimited, the period for which the licence is granted remains in effect, subject to the determination of the appeal.

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- (4) If an appeal is made under section 42ZI(3)(a) or (c) in relation to a decision to vary an environmental licence, the variation of the licence remains in force, subject to the determination of the appeal.
- (4A) If an appeal is made under section 42ZI(3)(d) in relation to a decision to vary an environmental licence, the variation is of no effect, subject to the determination of the appeal.
- (d) by omitting from subsection (5) “application” and substituting “appeal”;
- (e) by inserting the following subsection after subsection (5):
  - (5A) If an appeal is made under section 42ZI(3)(fa), (ga) or (ja) in relation to a decision as to the period for which a licence that is renewed or transferred is to remain in force, the period remains in effect, subject to the determination of the appeal.
- (f) by omitting from subsection (6) “application” and substituting “appeal”;
- (g) by omitting from subsection (7) “application” and substituting “appeal”;

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- (h) by omitting from subsection (8) “application” and substituting “appeal”;
- (i) by omitting from subsection (9) “application” and substituting “appeal”;
- (j) by omitting from subsection (10) “application” and substituting “appeal”;
- (k) by omitting from subsection (11) “application” and substituting “appeal”;
- (l) by inserting the following subsection after subsection (11):

(11A) If an appeal –

- (a) is made under section 42ZJ(2)(b) in relation to a decision by the Board to vary an environmental licence, the variation is of no effect, subject to the determination of the appeal; or
- (b) is made under section 42ZJ(2)(c) in relation to a decision by the Board to impose, or to refuse to impose, when granting an environmental licence, a condition or restriction on the licence, the licence is of no effect,



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mitigate any  
environmental harm that  
the activity may cause; or

- (b) so as to regulate the  
conduct of the activity, so  
as to assist in the effective  
management, reduction or  
mitigation of any  
environmental harm that  
the activity may cause.

(1B) The Director may cause an  
environment protection notice to  
be issued and served on a person  
who is responsible for an  
environmentally relevant activity  
that is a level 2 activity, if the  
activity is not an EL activity and  
the Director –

(a) is of the opinion that –

- (i) immediately  
before the activity  
was specified in or  
under this Act to  
be a level 2  
activity, the  
activity was a  
level 1 activity  
and the person  
was lawfully  
conducting the  
activity in

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accordance with  
this Act; and

(ii) there is a permit in  
force in relation to  
the activity; and

(iii) it is desirable to  
vary the condition  
or restrictions of  
the permit; or

(b) is of the opinion that –

(i) immediately  
before the activity  
was specified in or  
under this Act to  
be a level 2  
activity, the  
activity was not a  
level 1 or level 3  
activity and the  
person is lawfully  
conducting the  
activity in  
accordance with  
this Act; and

(ii) it is desirable to  
issue an  
environment  
protection notice  
under this

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subsection so as to  
effectively  
manage, reduce or  
mitigate any  
environmental  
harm that the  
activity may cause  
or to regulate the  
conduct of the  
activity so as to  
assist in the  
effective  
management,  
reduction or  
mitigation of any  
environmental  
harm that the  
activity may  
cause.

(b) by inserting the following paragraph after  
paragraph (c) in subsection (3):

(ca) may vary the conditions or  
restrictions of a permit; and

(c) by inserting in subsection (8) “or under  
subsection (1A) or (1B)” after  
“subsection (2)(d)”.

**47. Section 51C inserted**

After section 51B of the Principal Act, the  
following section is inserted in Division 4:

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**51C. Offence of operating certain level 2 activities  
other than under permit or EPN**

A person must not conduct a level 2 activity, other than an EL activity, unless –

- (a) there is in force a permit under the *Land Use Planning and Approvals Act 1993*, or an environment protection notice, authorising the conduct of the activity; or
- (b) the activity is also a level 3 activity; or
- (c) the Board has determined under section 27(4) that an assessment of the activity is not required.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; and
- (b) a natural person, a fine not exceeding 500 penalty units or imprisonment for a term not exceeding 12 months, or both.

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**48. Section 55 amended (General criminal defence)**

Section 55(1) of the Principal Act is amended by omitting “it is proved” and substituting “the defendant proves”.

**49. Section 55A amended (General environmental duty defence)**

Section 55A(1) of the Principal Act is amended as follows:

- (a) by inserting “section 45(3) or” after “contravened”;
- (b) by inserting in paragraph (a) “an environment protection notice,” after “policy,”;
- (c) by omitting from paragraph (a) “it is shown” and substituting “the defendant proves”;
- (d) by omitting from paragraph (b)(i) “it is shown” and substituting “the defendant proves”;
- (e) by omitting from paragraph (b)(ii) “it is shown” and substituting “the defendant proves”.

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**50. Section 72 amended (Prescribed offences and penalties for Division 5 )**

Section 72 of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) from subsection (2);
- (b) by omitting from subsection (4) “the *Pollution of Waters by Oil and Noxious Substances Act 1987*, the regulations made under that Act or” first occurring;
- (c) by omitting from subsection (4)(b) “*Pollution of Waters by Oil and Noxious Substances Act 1987*, the regulations made under that Act or the”;
- (d) by omitting from subsection (4)(b) “, as the case requires”.

**51. Section 74 amended (Environmental Impact Assessment Principles)**

Section 74 of the Principal Act is amended as follows:

- (a) by inserting in subsection (3) “, or, in a case of a referral of a proposal of the Director under section 27AE or section 42P, the Director,” after “proponent”;

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(b) by inserting the following subsection after subsection (4):

(4A) Subsection (4) does not apply in relation to a relevant activity if the Board has waived under section 27F(2A) the requirement for a case for assessment of a proposal to be prepared in relation to the activity.

**52. Section 74D amended (Content of notices generally)**

Section 74D of the Principal Act is amended as follows:

(a) by omitting paragraph (c) from subsection (1) and substituting the following paragraph:

(c) the works that the persons served with the notice are jointly and severally liable for ensuring are carried out; and

(b) by omitting from subsection (1)(e) “each person served with the notice must take, must not take or must cease” and substituting “that the persons served with the notice are jointly and severally liable for ensuring is taken, is not taken or ceases”;

(c) by omitting from subsection (1)(f) “a person must take, must not take or must



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cease any action referred to in paragraph (e)” and substituting “any action referred to in paragraph (e) must be taken, must not be taken or must cease”;

(d) by omitting paragraph (g) from subsection (1) and substituting the following paragraph:

(g) where the notice –

(i) is an investigation notice – the grounds on which the Director reasonably believes that the area of land is or may be a contaminated site; or

(ii) is a remediation notice or a site management notice – the grounds on which the Director reasonably believes that the area of land is a contaminated site; and

(e) by omitting subsection (2).

**53. Section 74E amended (Investigation notice)**

Section 74E of the Principal Act is amended as follows:

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- (a) by inserting in subsection (2) “or who has accepted that the person is,” after “be,”;
  - (b) by omitting from subsection (5) “not referred to in subsection (2) or (4)”.

**54. Section 74F amended (Remediation notice)**

Section 74F of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “or who has accepted that he or she is,” after “be,”;
- (b) by omitting from subsection (5) “not referred to in subsection (2) or (4)”.

**55. Section 74K amended (Revocation of notice and issue of completion certificate)**

Section 74K of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
  - (1) The Director, at any time, may revoke a notice by –
    - (a) issuing a further notice revoking it; or

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- (b) by issuing, to the person to whom the notice was issued, an instrument in writing specifying that the notice is revoked.
- (b) by omitting from subsection (2) “a notice has been complied with in full” and substituting “the notice has been complied with, to the satisfaction of the Director,”.

**56. Section 92 amended (Powers of authorized officers and council officers)**

Section 92 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(j) “, date of birth” after “name”;
- (b) by inserting the following subsection after subsection (7):

(7A) A person who, in good faith –

- (a) takes an action in accordance with a direction or requirement given or imposed on the person under this section;  
or

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- (b) in accordance with a direction or requirement given or imposed on the person under this section, does not take an action –

does not incur any civil or criminal liability for taking the action or not taking the action, respectively, or for any damage caused as a result of the action being taken or not taken.

**57. Section 92AA inserted**

After section 92 of the Principal Act, the following section is inserted in Division 1:

**92AA. Emergency action**

- (1) This section applies if an authorized officer is of the opinion that –
  - (a) serious or material environmental harm (other than harm permitted by or under this Act) has been or is likely to be caused; and
  - (b) the circumstances are such that action (*emergency action*) is required to be taken without delay in order to prevent or mitigate the serious or material environmental harm.

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- (2) If this section applies, an authorized officer may take the emergency action or direct a person, orally or in writing, to take the emergency action.
- (3) A direction that is given orally under subsection (2) by an authorized officer is to be confirmed in writing by the authorized officer as soon as practicable.
- (4) An authorized officer may, for the purposes of taking emergency action, enter premises (other than residential premises) at any time –
  - (a) without a warrant; and
  - (b) with the assistance and the force that is necessary and reasonable.
- (5) Without limiting what may constitute emergency action, such action includes any action that could be taken under section 92(1) if the action were connected with the administration or enforcement of this Act.
- (6) A person who, in good faith –
  - (a) takes an action in accordance with a direction or requirement given or imposed on the person under this section; or

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- (b) in accordance with a direction or requirement given or imposed on the person under this section, does not take an action –

does not incur any civil or criminal liability for taking the action or not taking the action, respectively, or for any damage caused as a result of the action being taken or not taken.

- (7) In this section, *residential premises* has the same meaning as in section 53.

**58. Section 92B amended (Power of arrest)**

Section 92B(c) of the Principal Act is amended by inserting “or section 92AA(2)” after “section 92(1)(ka)”.

**59. Section 96D amended (Contents of environment protection policy)**

Section 96D of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (2A) A reference in an environment protection policy, in accordance with subsection (2)(ba), to a person as being responsible for the implementation of a whole policy or a part of a policy is to be taken to be a reference to a requirement that the whole policy, or part, as the case

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may be, is to be given effect to by the  
person in performing or exercising his or  
her functions or powers under an Act.

**60. Section 96G repealed**

Section 96G of the Principal Act is repealed.

**61. Section 96H amended (Preparation of draft  
environment protection policy)**

Section 96H of the Principal Act is amended by  
omitting subsection (1) and substituting the  
following subsections:

(1) The Minister may prepare a draft  
environment protection policy.

(1A) The Minister, in preparing a draft  
environment protection policy, may  
consider information provided in the  
manner that, and from the persons whom,  
the Minister thinks fit.

**62. Section 96I amended (Notice of draft environment  
protection policy)**

Section 96I of the Principal Act is amended as  
follows:

(a) by omitting from subsection (2)(a) “2  
consecutive Saturdays” and substituting  
“a Saturday”;

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(b) by inserting the following subsections after subsection (4):

(5) The Minister must ensure that a copy of the notice is made available for viewing at, or for downloading from, a website of the Department, for the period beginning as soon as practicable after a copy of the notice is published under subsection (2) and ending on the last day on which submissions in relation to the draft environment protection policy and impact statement may be made.

(6) A person or body may make a submission in relation to a draft environment protection policy within the period specified, in accordance with subsection (2)(e), in a notice under subsection (1)(a) in relation to the draft environment protection policy.

**63. Section 96L amended (Interim environment protection policy)**

Section 96L(1) of the Principal Act is amended by omitting “At any time on or after the day on which notice of a draft environment protection



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policy is first published in a newspaper, the  
Governor” and substituting “The Governor”.

**64. Section 96M amended (Amendment of environment  
protection policy)**

Section 96M of the Principal Act is amended as  
follows:

- (a) by omitting from subsection (2) “Panel”  
and substituting “chairperson of the  
Panel”;
- (b) by omitting from subsection (3) “Panel”  
and substituting “chairperson of the  
Panel”;
- (c) by omitting from subsection (3)(a) “its”  
and substituting “the chairperson’s”;
- (d) by omitting from subsection (3)(b) “its”  
and substituting “the chairperson’s”;
- (e) by omitting from subsection (4) “Panel”  
and substituting “chairperson of the  
Panel”;
- (f) by omitting from subsection (5) “Panel”  
and substituting “chairperson of the  
Panel is of the opinion”;
- (g) by inserting the following subsection  
after subsection (5):

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(5A) The chairperson of the Panel may determine that an amendment is not a significant change to an environment protection policy if the amendment –

(a) is to correct a manifest error in the environment protection policy; or

(b) consists of a change to the form, and not the substance, of the environment protection policy; or

(c) in the opinion of the chairperson of the Panel, is necessary as a consequence of –

(i) an amendment to this Act; or

(ii) the making, variation or recission of regulations under this Act; or

(iii) the making, variation or revocation of or of another environment

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protection policy;  
or

(iv) the  
commencement or  
amendment of a  
prescribed Act; or

(d) is in order to make a  
change of a kind that the  
policy itself, or the  
regulations, provide may  
be made to the policy by  
an amendment under this  
section; or

(e) is, in the opinion of the  
chairperson of the Panel,  
required in order to  
implement a provision of  
a national environment  
protection measure made  
in accordance with the  
*National Environment  
Protection Council  
(Tasmania) Act 1995*, or  
to implement a variation  
of such a provision.

(h) by omitting from subsection (11) “Panel”  
and substituting “chairperson of the  
Panel”;

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- (i) by omitting from subsection (11) “sections 96G, 96H, 96I, 96J and 96K” and substituting “sections 96H, 96I, 96J and 96K”.

**65. Section 96MA inserted**

After section 96M of the Principal Act, the following section is inserted in Subdivision 3:

**96MA. Revocation of environment protection policy**

- (1) The Minister may prepare a draft instrument to revoke an environment protection policy.
- (2) If the Minister prepares under subsection (1) a draft instrument to revoke an environment protection policy, this Part applies in relation to the draft instrument as if –
  - (a) a reference in this Part to making an environment protection policy were a reference to revoking an environment protection policy referred to in the instrument; and
  - (b) a reference in this Part to a draft environment protection policy were a reference to the instrument; and
  - (c) a reference in this Part to an environment protection policy

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were a reference to the  
instrument.

**66. Section 98AA amended (Liability for payment of fees)**

Section 98AA(1)(a) of the Principal Act is amended by omitting “section 24 or 25” and substituting “section 24, 25 or 25A”.

**67. Schedule 2 amended (Level 2 Activities)**

Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from clause 3(b)(ia) “clean fill” and substituting “clean fill type 1 or clean fill type 2”;
- (b) by inserting the following subparagraph after subparagraph (ii) in clause 3(b):
  - (ia) a prescribed activity; or
- (c) by omitting subparagraph (ii) from clause 3(d);
- (d) by inserting the following paragraph after paragraph (h) in clause 4:
  - (i) Aquaculture Feed Works: the processing of animal, bird, fish, marine or aquatic or plant material, for the purpose of

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producing food to feed marine or  
aquatic life at aquaculture  
facilities.

**68. Schedule 5 amended (Characteristics to be  
Considered in Determining Class of Assessment)**

Schedule 5 to the Principal Act is amended as  
follows:

- (a) by inserting after paragraph (a) in item 3  
the following:

(ab) are projects in relation to  
which it is reasonably  
likely that an approval, in  
relation to the activity to  
which the application  
relates, will be required  
under the *Environment  
Protection and  
Biodiversity  
Conservation Act 1999 of  
the Commonwealth*;

- (b) by omitting subparagraph (i) from  
paragraph (b) of item 3.

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**s. 69**                      Part 3 – Living Marine Resources Management Act 1995 Amended

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**PART 3 – LIVING MARINE RESOURCES  
MANAGEMENT ACT 1995 AMENDED**

**69. Principal Act**

In this Part, the *Living Marine Resources Management Act 1995*\* is referred to as the Principal Act.

**70. Section 12 amended (Permits)**

Section 12 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (3A) The Minister must notify the Director, EPA, if an application relates to finfish farming.

**71. Section 13 amended (Grant of permit)**

Section 13 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) The Minister must notify the Director, EPA, if the Minister grant an application in relation to finfish farming.

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\*No. 25 of 1995

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Part 3 – Living Marine Resources Management Act 1995 Amended

**s. 72**

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**72. Section 92A amended (Notification of Director,  
EPA of certain matters)**

Section 92A(2)(a) of the Principal Act is amended by inserting “variation,” after “renewal,”.

Consultation draft



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Part 4 – Marine Farming Planning Act 1995 Amended

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**PART 4 – MARINE FARMING PLANNING ACT 1995  
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**73. Principal Act**

In this Part, the *Marine Farming Planning Act 1995*\* is referred to as the Principal Act.

**74. Section 17A amended (Role of Director, EPA in relation to marine farming development plans in relation to finfish farming)**

Section 17A(5)(a) of the Principal Act is amended by omitting “or (2)”.

**75. Section 29 amended (Consideration of draft plan, management controls and representations)**

Section 29 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (2A) If the Director, EPA, in a notice under section 17A(1), has required a matter to be contained in a draft plan under section 21(1)(ca), the Panel must consult with him or her before modifying under subsection (2)(a), or requiring under subsection (2)(c) the planning authority to modify, a provision of the draft plan in order to ensure the draft plan complies with section 21(1)(ca).

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\*No. 31 of 1995

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Part 4 – Marine Farming Planning Act 1995 Amended

**s. 76**

**76. Section 31 amended (Final approval of draft plan)**

Section 31 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (4A) The Minister is to advise the Director, EPA if the Minister gives a final approval to a draft plan that relates to finfish farming.

**77. Section 41 amended (Consideration by Panel of draft amendment, &c.)**

Section 41 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (2A) If the Director, EPA, in a notice under section 17A(1), has required a matter to be contained in a draft amendment under section 32(2)(ac), the Panel must consult with him or her before modifying under subsection (2)(b), or directing under subsection (2)(c) the planning authority to modify, a provision of the draft amendment in order to ensure the draft amendment complies with section 32(2)(ac).

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Part 4 – Marine Farming Planning Act 1995 Amended

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**78. Section 42 amended (Final approval or refusal of draft amendment)**

Section 42 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (4A) The Minister is to advise the Director, EPA if the Minister gives a final approval to a draft amendment that relates to finfish farming.

**79. Section 48 amended (Review of marine farming development plans)**

Section 48 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

(1A) If the planning authority is required under subsection (1) to review a marine farming development plan that relates to finfish farming –

- (a) the planning authority must, by notice in writing to the Director, EPA, request him or her to provide to the planning authority, within the period specified in the notice, advice in relation

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*Act No. of 2018*

Part 4 – Marine Farming Planning Act 1995 Amended

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to the marine farming development plan; and

(b) the Director, EPA, may provide to the planning authority, within the period specified in the notice, the advice that he or she thinks fit in relation to the marine farming development plan; and

(c) the planning authority must consider any advice provided to it under paragraph (b) before notifying the Minister, if at all, under subsection (2).

(b) by inserting the following paragraph after paragraph (a) in subsection (3):

(ba) the Minister must, where the proposed modification relates to finfish farming, notify the Director, EPA, of the direction given under paragraph (a); and

**80. Schedule 2 amended (Membership of Panel)**

Schedule 2 to the Principal Act is amended as follows:

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Part 4 – Marine Farming Planning Act 1995 Amended

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- (a) by omitting from clause 2 “, other than the member referred to in section 8(2)(c),”;
- (b) by omitting subclause (4) from clause 7.

Consultation draft

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**PART 5 – CONCLUDING PROVISION**

**81. Repeal of Act**

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

Consultation draft

# Environmental Legislation (Miscellaneous Amendments) Bill 2019

Explanatory Paper



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# Introduction

The *Environmental Legislation (Miscellaneous Amendments) Bill 2019* proposes minor improvements to Tasmania's *Environmental Management and Pollution Control Act 1994* (EMPCA) and related legislation. The amendments are summarised below, and described in detail in the sections which follow.

## Clean fill

The current definition of “clean fill” in section 3 of EMPCA is too broad. It allows various types of material to be included in clean fill which should instead be recycled, disposed of at an approved landfill or processed prior to use as clean fill.

The meaning of clean fill will be clarified in two new definitions, “clean fill type 1” and “clean fill type 2”. Clean fill type 2 will consist of common demolition materials. The Director of the EPA will be able to specify maximum levels of chemical contaminants or maximum proportions of other inert materials such as wood, plastics and metals.

The Director will also be able to specify maximum dimensions for pieces of material within clean fill. Specifying such matters will ensure that clean fill is of an appropriate quality. Relevant stakeholders will be consulted when parameters are developed. These changes will facilitate the regulation of the use of clean fill and the conduct of landfills (public and private).

Clause 4 of the Bill relates to this matter.

## Monitoring information

The Environment Protection Authority (EPA) presently lacks the power to make environmental monitoring information provided to it by a regulated party available to third parties or the public, without the permission of the regulated party. This is inconsistent with modern standards of information availability and with the legislation and practice of several other jurisdictions.

The Director of the EPA will be able to publish or otherwise make available monitoring information. Existing EMPCA provisions on protection of trade secrets will remain, and personal information protection legislation will continue to apply.

Clauses 7 and 8 of the Bill relate to this matter.

## Criteria for non-assessment of proposals

The power in section 25(1D) of EMPCA, for the Board of the Environment Protection Authority (EPA) to determine not to assess a proposed development referred to it by a planning authority, is presently unrestricted. The power could potentially be used arbitrarily and unreasonably. On the other hand, because the power is presently unrestricted, successive Boards have been reluctant to use it. This is regrettable as some proposals have a low risk of environmental impact and do not warrant assessment by the Board, at associated expense to applicants and the public.

Provision will be inserted to require the Board to make a decision under section 25(1D) in accordance with criteria prescribed in regulations, which will circumscribe the section 25(1D) power and specify

criteria for activities that do not require assessment. The regulations will be made in accordance with the *Subordinate Legislation Act 1992*, after the Act has been amended.

Clause 10(b) of the Bill relates to this matter.

## Offence of conducting a level 2 activity without authorisation

There is presently no penalty under EMPCA for conducting a “level 2” activity without proper environmental authorisation. Most such activities are regulated by the EPA through the conditions of land use planning permits granted by Councils under the Land Use Planning and Approvals Act 1993 (LUPAA).

Under LUPAA it is an offence to commence the use or development of land without a permit, but the penalty is considered inadequate in relation to the types of industrial land use that are an EMPCA level 2 activity. Furthermore, Councils often lack the technical and financial capacity to undertake prosecutions for offences relating to EMPCA level 2 activities.

A new offence of conducting a level 2 activity without a LUPAA permit or environment protection notice will be inserted in EMPCA, similar to the offence of operating a finfish farming activity without an environmental licence that was inserted in 2017 (the new offence will not apply to finfish farming activities).

Clause 47 of the Bill relates to this matter.

## Authorized officer emergency powers

Authorized officers who are appointed under EMPCA presently lack an effective power to take direct action, or to instruct another person to take direct action, in an environmental emergency. Such emergency action may be required to prevent or mitigate environmental harm.

Provision will be made for authorized officers to take, or direct another person to take, emergency action. Officers will be able to enter premises (other than residential premises) without warrant for the purpose of taking or directing emergency action. The new provisions are modelled on similar ones in the environmental protection legislation of several other jurisdictions.

Clauses 57 and 58 of the Bill relates to this matter.

## Environment protection policies

The process of making and amending Environment Protection Policies (EPPs) in Division 1A of Part 7 of EMPCA will be streamlined to implement an aspect of the Government’s 2018 election campaign environmental platform.

The Chairperson of the Environment Protection Policy Review Panel will now be able to determine whether a proposed EPP amendment is ‘significant’ by referring to specific criteria. The preliminary stage of public consultation on the Minister’s intention to prepare a draft EPP will be removed, but the main stage of public consultation on a prepared draft will be retained and will remain comprehensive. A new provision for the revocation of EPPs will also be included, which will require public consultation.

Clauses 59 to 65 of the Bill relate to this matter.

## Schedule 2 changes

Three substantive changes are to be made to Schedule 2 of EMPCA (which specifies level 2 activities that are assessed and regulated by the EPA), as follows.

- Item 3(b) – Waste depots: Certain activities, particularly once-off and temporary activities, do not warrant assessment and regulation as level 2 activities. Provision will be made in regulations to prescribe further exceptions.
- Item 3(d) – Land application of Class 2 or Class 3 Biosolids: The current inclusion of this activity in Schedule 2 is proving to be a major barrier to the efficient disposal of accumulated sludge from the State’s wastewater treatment plants. Much of this material can be disposed of on land, subject to appropriate regulatory controls. If the amendment is approved, the Director EPA will amend the *Approved Management Method for Biosolids Reuse* to allow for more efficient disposal of Class 2 biosolids and to specify arrangements for biosolids that are only suitable for landfill disposal. Class 3 biosolids will be regulated under the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*.
- New item 4(h) – Aquaculture feed works: The aquaculture feed manufacturing industry is expanding as a consequence of the expansion of aquaculture itself. Aquaculture feed works can have significant environmental impacts if not managed properly, and EPA regulation of them is now considered necessary.

Clause 67 of the Bill relates to this matter.

## Miscellaneous issues – finfish farming

Various drafting, legal doubt and administrative efficiency issues have been identified in the amendments made to EMPCA by the *Finfish Farming Environmental Regulation Act 2017*. Although the finfish farming provisions are basically sound, minor improvements are required to ensure adequate coordination and enforcement. Minor amendments are also required to sections of the *Living Marine Resources Management Act 1995* and the *Marine Farming Planning Act 1995* that relate to finfish farming.

Relevant amendments are scattered throughout the Bill, and are described in the relevant sections below.

## Miscellaneous issues – general

Other drafting, legal doubt and administrative efficiency issues have been identified during the implementation of EMPCA in recent years.

Again, relevant amendments are scattered throughout the Bill and are described below.

## ABBREVIATIONS AND ACRONYMS

In this Paper, the following abbreviations and acronyms are used.

“EMPCA” means *Environmental Management and Pollution Control Act 1994*

“EPA” means Environment Protection Authority

“EPN” means environment protection notice

“EPP” means environment protection policy

“Finfish Regulation Act” means *Finfish Farming Environmental Regulation Act 2017*

“LMRMA” means *Living Marine Resources Management Act 1995*

“LUPAA” means *Land Use Planning and Approvals Act 1993*

“MFPA” means *Marine Farming Planning Act 1995*

“the Bill” means *Environmental Legislation (Miscellaneous Amendments) Bill 2019*

# Description of Bill Clauses

The descriptions below should be read in conjunction with the Bill itself.

## PART 1 – PRELIMINARY

Clauses 1 and 2 of the Bill are standard provisions included at the start of every Bill.

In regard to clause 2, the Bill will receive Royal Assent after it has been passed by Parliament, but it will not commence (come into effect) until the Governor makes a proclamation on an appropriate date or dates. There may be different dates of proclamation for various provisions of the Bill.

The commencement of the Bill will be delayed until the necessary administrative arrangements have been made for implementation of the amendments, and until regulations have been prepared that will give effect to several new provisions.

## PART 2 – AMENDMENTS TO EMPCA

Bill clause	EMPCA provision	Amendment and purpose
3	-	This clause is a standard provision which identifies the Act to be amended.
4(a)	Section 3(1)	<p>The meaning of clean fill is clarified in two new definitions, “clean fill type 1” and “clean fill type 2”.</p> <p>Clean fill type 1 will mean natural materials.</p> <p>Clean fill type 2 will consist of common demolition materials. Provision will be made for the Director to specify maximum levels of chemical contaminants or maximum proportions of other inert materials such as wood, plastics and metals. Provision will also be made for the Director to specify maximum dimensions for pieces of material within clean fill (see explanation of new subsection (3) below).</p> <p>A new definition has been added for “chairperson of the Panel”, which refers to the chairperson of the Environment Protection Policy Review Panel (see Part 7, Division 1A of EMPCA).</p>
4(b), (c) and (d)	Section 3(1)	A reference to “development” will be inserted in the definitions of EL activity, level 2 activity and level 3 activity, to remove doubt that the term “activity” (used throughout the Act) includes development. It could presently be interpreted as meaning the operation of an activity only.
4(e)	Section 3(1)	The definition of “permissible level 2 activity” will be moved from section 25 to section 3(1), because it is used throughout the Act.

Bill clause	EMPCA provision	Amendment and purpose
4(f)	Section 3(3) and (4)	<p>New subsection (3) will be inserted, to enable the setting of maximum levels of contaminants, substances and material dimensions in clean fill, to support the amendments to the clean fill definition in subsection (1).</p> <p>New subsection (4) will ensure that a copy of a declaration under subsection (3) is published on a website of the Department.</p>
5	Section 5C(2)(b)	<p>Provision will be made for prescribing (in regulations) activities that are associated with, and for the purpose of, finfish farming as defined in paragraph (a) of section 5C. The present paragraph (b) has proven to be too broad and has generated much uncertainty about which secondary activities should be assessed and regulated as part of a finfish farming activity.</p> <p>It is likely that the necessary regulations will be prepared before this Act amendment commences, and they will be made in accordance with the <i>Subordinate Legislation Act 1992</i>.</p>
6	Section 6	<p>Section 6 is currently deficient in that it does not define the circumstances under which a person may or may not be taken to have polluted a place which that person occupies or has charge of. New subsections (2)-(5) clarify this matter.</p> <p>Persons should be held responsible for pollution on their own land, except where pollutant discharges occur lawfully. It should be noted that section 6 is not enforceable in its own right; it supports the enforcement provisions of the Act which refer to pollution and pollutants.</p>
7	Section 22(1)	<p>New paragraph (ea) is consequential to new section 23AA. The section 22 register is the formal repository of publicly available information under the Act.</p>
8	Section 23AA	<p>New section 23AA provides the Director of the EPA with a power to make public any environmental monitoring information provided to the Board or Director under the Act.</p> <p>Subsection (1) comprehensively defines the type of information that may be released.</p> <p>Subsection (2) specifies the ways in which information may be made available.</p> <p>Subsection (3) removes doubt that information may be released without the consent of the person that provided it.</p>

Bill clause	EMPCA provision	Amendment and purpose
9	Section 24(3)	This amendment clarifies that subsection (3) relates to an application referred to the Board under subsection (1).
10(a)	Section 25(1A)	This amendment is consequential to the amendment to section 5C(2)(b) (clause 5 of the Bill). Activities prescribed as being associated with, and for the purpose of, finfish farming must not be taken to be ancillary for the purposes of section 25(1) and (1A). The amendment will ensure that permit applications for such activities are referred by planning authorities to the Board.
10(b)	Section 25(1DAAA)	<p>New section 25(1DAAA) will enable regulations to be made which specify criteria for activities that do not require assessment under section 25.</p> <p>The section 25(1D) power is presently unrestricted, which has led to uncertainty about when and how it will be exercised. It should be noted, however, that section 25(1D) does not apply to EL activities (finfish farming).</p> <p>It is likely that the necessary regulations will be prepared before this Act amendment commences, and they will be made in accordance with the <i>Subordinate Legislation Act 1992</i>.</p>
10(c) and (d)	Section 25(1DAC)	These amendments correct an oversight in the Finfish Regulation Act. At present, the Board is obliged to make a determination under subsection (1DAA) or (1DAB) of section 25 where it has already made a similar determination under section 27B(1A)(a) (on lodgement of a notice of intent). The amendment to section 25(1DAC) will remove this duplication. This matter relates to EL activities (finfish farming) only.
10(e)	Section 25(1E)	This amendment corrects an error in amendments made under the Finfish Regulation Act. Paragraph (b) of subsection (1E) is presently inconsistent with subsections (1DAA) and (1DAB), as the latter require the Board to make a determination on whether or not to assess a proposed activity – there is no default position as there is with subsection (1D). The amendment will remove existing paragraph (b).
10(f)	Section 25(2)(d)	This amendment corrects an oversight in the Finfish Regulation Act. It extends the period during which a planning authority may request additional information from a permit applicant, under section 54(1) of LUPAA, where the Board will assess the proposed activity.

Bill clause	EMPCA provision	Amendment and purpose
		A longer period is necessary in the case of an EL activity, where the Board has 42 days under subsection (1DAA) or (1DAB) to determine whether or not it will refuse an environmental licence or variation and assess or not assess an activity. It is inappropriate for the planning authority to request additional information until the Board has made its determination.
10(g) and (h)	Section 25(3)	<p>These amendments correct an error in amendments made under the Finfish Regulation Act. Subsection (3) is presently inconsistent with subsection (1DAA) and partly inconsistent with subsection (1DAB).</p> <p>If the Board has decided to refuse an environmental licence or licence variation, and consequently not to assess an activity, then it is inappropriate for the planning authority to further process the associated permit application. The amendment restricts subsection (3) to Board decisions made under subsections (1D) and (1DAB)(c)(i).</p>
10(i)	Section 25(4)(a)	This amendment is consequential to the amendment to subsection (1DAC).
10(j) and (k)	Section 25(8)(c)	<p>These amendments will ensure that planning authorities notify the Board promptly after making a decision on a permit application and also provide it with a copy of the permit if granted.</p> <p>This is necessary because of the EPA's responsibility for regulating an approved activity that the Board has assessed – it cannot do so effectively without having a copy of the permit, in a timely manner.</p>
10(l)	Section 25(8A)	This amendment corrects an error in amendments made under the Finfish Regulation Act. Subsection (8A) is not relevant to EL activities, and the amendment ensures that it will not apply to them.
10(m)	Section 25(9)	The subsection (9) provision has been relocated to section 3(1), as it has general application.
11	Section 25A(3AB)-(3AG)	<p>Section 25A provides for EPA Board assessments of permit applications associated with a proposed amendment to the relevant planning scheme (initiated under LUPAA Part 3B, Division 4).</p> <p>It was previously understood that the Board would conduct an assessment under section 25A in accordance with section 25, and that it could direct a planning authority in</p>



Bill clause	EMPCA provision	Amendment and purpose
		<p>accordance with section 25(5) after completion of the assessment. It is now evident that is not the case – section 25A is a “stand-alone” process and the Board can presently only make recommendations to the planning authority in respect of its decision on a permit application.</p> <p>The new subsections (3AB)-(3AG) of section 25A will provide the Board with similar powers to the section 25 powers. The amendments do not relate to permit applications involving EL activities (section 25A already contains adequate provisions relating to EL activities).</p>
12(a)	Section 27(1)	<p>In some cases it is unclear to the EPA whether or not a proposed level 2 activity requires a LUPAA permit. This is particularly so where the proposal involves the expansion of an existing activity and the planning authority is obliged to make a decision on whether or not the proposal constitutes a substantial intensification under section 12(7) of LUPAA.</p> <p>The amendment will clarify that a proposal must be referred to the Board where the proponent has been notified by the planning authority that a permit is not required.</p>
12(b)	Section 27(1AA)	<p>New subsection (1AA) provides an exception to the requirement to refer an activity to the Board under section 27(1), in relation to existing activities that have newly become a level 2 activity because of an amendment to Schedule 2 of the Act.</p> <p>Such activities do not require assessment by the Board, and provision will be made for the Director to issue an EPN for them under new section 44(1B) (see clause 46(a) of the Bill for further information).</p>
12(c) and (d)	Section 27(2A)	<p>Requirements for referrals under subsections (1) and (2) are currently inconsistent. New subsection (2A) specifies consistent requirements.</p>
12(e) and (f)	Section 27(6)(a)	<p>These amendments will transfer the power to issue an EPN (after a section 27 assessment) from the Director to the Board itself. The existing Board power to “cause the Director” to issue an EPN, and reasons for the EPN conditions, is not delegable. This has been operationally inconvenient.</p> <p>Under the amendments, the Board will issue the EPN in accordance with new section 44(1A) (see clause 46(a) of the</p>



<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
		Bill). The power under section 27(6)(a) will be delegable in the normal manner, to the Director or another officer.
12(g)	Section 27(8)	This amendment corrects an error made in amendments under the Finfish Regulation Act. It clarifies that section 27 does not apply in any way to EL activities (the assessment of which is already provided for in section 27AA and other provisions).
13	Section 27AA(1A)	This amendment corrects an oversight in the Finfish Regulation Act and removes an inconsistency between subsection (1) of section 27AA and section 42N. A proposed expansion, intensification or modification of an EL activity should not be directly referred to the Board under section 27AA(1); it should initially be the subject of a licence variation application under section 42N(1).
13	Section 27AA(1B)	New subsection (1B) specifies requirements for referrals under subsection (1), in a similar manner to new section 27(2A) for section 27 referrals.
14(a)	Section 27AB(6A)	This amendment corrects an oversight in the Finfish Regulation Act. New subsection (6A) will ensure that the Board does not notify the PORS Panel that it will not assess a proposed EL activity, until the appeal period (in relation to the Board's refusal to grant or vary an environmental licence) ends or until after the appeal is determined if one is lodged. This is simply a coordination measure.
14(b)	Section 27AB(7)(b)	This amendment corrects an omission in the Finfish Regulation Act. It will be necessary for the Board to provide a notice under section 42R if the PORS proposal involves the variation of an environmental licence.
15	Section 27AC(2A)	New subsection (2A) will ensure that the Board does not direct a planning authority to refuse to grant a permit until the appeal period (in relation to the Board's refusal to grant or vary an environmental licence) ends or until after the appeal is determined if one is lodged. This is simply a coordination measure.

Bill clause	EMPCA provision	Amendment and purpose
16	Section 27AE	<p>This amendment, and new section 27AE, corrects errors made in amendments under the Finfish Regulation Act. The new section replaces section 42P(8). The existing location of the similar provisions in section 42P requires that a dormant activity be assessed as an environmental licence variation initiated by the Director, which will not always be appropriate. The new provisions enable a variation to be optional.</p> <p>The new section also remedies shortcomings in section 42P(8). The Board will assess a dormant activity as well as the area associated with it, which is more appropriate and consistent with other assessment provisions of the Act.</p> <p>Under subsection (2)(a) the Board will also assess activities that have been dormant for 10 years that were granted environmental licences under the transitional provisions of Subdivision 2 of Division 8 of Part 3 (although this will not apply retrospectively to activities that were dormant for 10 years or more before the amendment commences).</p> <p>Subsection (2)(c) clarifies the meaning of dormancy, and ensures that activities where fish have been kept for special or emergency purposes will not be exempt from assessment. These provisions reflect the understood intent of Parliament in the Finfish Regulation Act.</p>
17(a)	Section 27A(1)	This amendment is consequential to the insertion of new section 27AE.
17(b)	Section 27A(1A)	<p>Paragraph (a) of new subsection (1A) corrects an omission and makes clear that the Board must determine a class of assessment.</p> <p>Paragraph (b) of the new subsection removes doubt that the Board may reclassify an assessment during an assessment process. This may be necessary where new information about the proposed activity or its potential impacts emerges during the assessment process.</p>
18	Section 27B(1), (1A) and (2)	This series of minor amendments makes no substantive changes, but clarifies the wording of section 27B and replaces references to a “project” with references to an “activity”. The term “project” is too narrow and could be taken to exclude the operational phase of an ongoing activity.

Bill clause	EMPCA provision	Amendment and purpose
19	Section 27C	<p>Section 27C has to be extensively amended to correct an oversight in the Finfish Regulation Act. Section 27C is not properly coordinated with section 25(IDAA) and (IDAB) and section 27AA.</p> <p>For a proposed EL activity where the Board must make a preliminary determination on whether or not to grant or vary an environmental licence (and consequently whether or not to assess the activity), the 14-day period currently specified in section 27C must begin after the Board's determination. There is no point in the Board notifying (under section 27C) an applicant of the class of assessment if the Board has not yet determined whether to assess the activity.</p>
20(a) and (b)	Section 27F(2A)	<p>New subsection (2A) corrects an oversight in the Finfish Regulation Act. It will enable the Board to waive the requirement for a case for assessment where a proposal for assessment is referred to the Board by the Director under section 27AE or section 42P.</p> <p>Such referrals relate to the assessment of dormant activities and proposed licence variations initiated by the Director, and are not the subject of an application by the licence holder. Under those circumstances the licence holder may have no interest in preparing a case for assessment and no incentive to provide a satisfactory one if required by the Board to do so.</p> <p>Where the Board waives the requirement it will conduct its assessment based upon information provided by the Director, relevant specialists and submissions made during public consultation.</p> <p>The power of the Director under section 42ZA to obtain information is to be strengthened (see clause 37 of the Bill), which will enable the Director to obtain particular information from a licence holder to assist with a Board assessment initiated under section 27AE or section 42P. The Director also has an existing general power to obtain information under section 43.</p>
20(c)	Section 27F(5)	<p>This amendment corrects an oversight in the Finfish Regulation Act. There should be a right of appeal in relation to EL activities as well as others.</p>

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
21 (a)	Section 27G(1)(a)	This amendment will transfer the power of directing a planning authority to advertise an application from the Director to the Board itself. The existing Board power to “cause the Director” to direct the planning authority is not delegable. This has been operationally inconvenient. The Board’s power to direct the planning authority will be delegable in the normal manner, to the Director or another officer.
21 (b)	Section 27G(1)(b)	This amendment is consequential to the insertion of new section 27AE.
21 (c)	Section 27G(4)	There is presently no obligation on a planning authority to notify the Board that no representations have been received, where that is the case. Failure to notify can delay an assessment process. This amendment prescribes an obligation to notify.
22	Section 27H(1)	This amendment complements the amendment to section 27G(4).
23	Section 42I(5)	This amendment corrects an error in amendments made under the Finfish Regulation Act. It alters the wording of section 42I(5) to ensure that it applies to all marine farming activities.
24	Section 42K(2)(a)	The 28-day period currently specified is inconsistent with the 42-day period specified in section 25(IDAA). This amendment corrects the inconsistency.
25(a) and (b)	Section 42L(2)(b) & (d)	These amendments correct wording errors in amendments made under the Finfish Regulation Act.
25(c)	Section 42L(2)(f)	This amendment provides the Director and Board with a wider power to refuse to grant an environmental licence on the basis of unpaid fees. It will be a significant incentive to licence holders and applicants to pay any fees due under the Act.
26(a)	Section 42M(2)(e)	This amendment corrects an oversight in the Finfish Regulation Act. Notification needs to be provided where the Board makes a determination under section 27B(1A).
26(b)	Section 42M(2)(e)	This amendment replaces the term “project” with the term “activity”. The term “project” is too narrow and could be taken to exclude the operational phase of an ongoing activity.

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
26(c)	Section 42M(5)	This amendment corrects an oversight in the Finfish Regulation Act. A proponent and planning authority should be notified of a Board decision to assess or not assess an activity, as well as the associated decision to refuse or not refuse to grant the environmental licence for the activity under section 25(1DAA).
27(a) and (b)	Section 42N(2A)	New subsection (2A) corrects an oversight in the Finfish Regulation Act. The new subsection precludes an environmental licence variation for a marine farming activity where there is no authority for the activity under the marine farming legislation. It has the same purpose as section 42I(5) in respect of proposed new activities.
27(c)	Section 42N(4)	<p>This amendment corrects an oversight in amendments made under the Finfish Regulation Act. It was intended that the Director be able to vary a licence otherwise than in accordance with the variation applied for by the licence holder, where appropriate.</p> <p>Refusal of a variation may be unnecessary, but it may be necessary to vary the licence in a somewhat different manner to that applied for, to avoid unnecessary environmental impacts or to maintain the internal integrity of the licence. Furthermore, an application for a licence variation will often trigger a general review of the licence, which may reveal a need for variations additional to those applied for.</p>
27(d)	Section 42N(5)(c)	This amendment provides the Director with a wider power to refuse to vary an environmental licence on the basis of unpaid fees. It will be a significant incentive to licence holders to pay any fees due under the Act.
28(a)	Section 42O(1)(b)	This amendment corrects a wording error in amendments made under the Finfish Regulation Act. The amendment ensures that subsection (1) applies to all marine farming activities.
28(b)	Section 42O(3)(b)	This amendment corrects a wording error in amendments made under the Finfish Regulation Act. The amendment ensures that subsection (1) applies only to inland fish farming activities.
28(c)	Section 42O(4)	This amendment corrects a wording error in amendments made under the Finfish Regulation Act.

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
29(a)	Section 42P(5)(b)	This amendment complements the amendments to subsections (6) and (7). It clarifies that the Director must refer certain variation proposals to the Board for assessment.
29(b) and (d)	Section 42P(6) and (7)	These amendments clarify that the Director must refer a variation proposal to the Board where the relevant criteria in section 42O require it. Subsections (6) and (7) were not intended to be discretionary.
29(c) and (e)	Section 42P(6) and (7)	These amendments clarify the purpose of a referral to the Board.
29(f)	Section 42P(8) and (8A)	These amendments are consequential to the relocation of the existing subsection (8) provisions to new section 27AE. The Director may, optionally, propose a variation to an environmental licence for a dormant activity at the same time as the activity is referred to the Board for assessment under section 27AE.
30(a) and (b)	Section 42Q(1)	These amendments are consequential to the insertion of new section 27AE (see clause 16 of the Bill).
30(c) and (d)	Section 42Q(1)	These amendments are for the purpose of better consistency with terms used in sections 27AB and 27B.
30(e)	Section 42Q(2)(a)	The 28-day period currently specified is inconsistent with the 42-day period specified in section 25(1DAB). This amendment corrects the inconsistency.
30(f)	Section 42Q(4)	<p>This amendment corrects an oversight in amendments made under the Finfish Regulation Act. It was intended that the Board be able to vary a licence otherwise than in accordance with the variation applied for by the licence holder, where appropriate.</p> <p>Refusal of a variation may be unnecessary, but it may be necessary to vary the licence in a somewhat different manner to that applied for, to avoid unnecessary environmental impacts or to maintain the internal integrity of the licence. Furthermore, an application for a licence variation will often trigger a general review of the licence, which may reveal a need for variations additional to those applied for.</p>
30(g) and (h)	Section 42Q(5)(ba)	These amendments are consequential to the insertion of new section 27AE (see clause 16 of the Bill). New paragraph (ba) will enable the Board to refuse to vary an environmental licence following an assessment under section 27AE which also involves a proposed variation.

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
30(i)	Section 42Q(5)(b)(iii)	This amendment corrects a wording error in amendments made under the Finfish Regulation Act.
30(j)	Section 42Q(5)(c)	This amendment provides the Board with a wider power to refuse to vary an environmental licence on the basis of unpaid fees. It will be a significant incentive to licence holders to pay any fees due under the Act.
31 (a) and (b)	Section 42R(1) and (4)	New paragraph (ba) corrects omissions in the Finfish Regulation Act. A proponent or planning authority must be notified of a Board decision to assess or not assess an activity, as well as the associated decision to refuse or not refuse to vary the environmental licence for the activity under section 25(1 DAB).
32(a) and (b)	Section 42S(2) and (3)	These amendments clarify application lodgement requirements.
32(c)	Section 42S(3A)	New subsection (3A) corrects an oversight in the Finfish Regulation Act. The new subsection precludes the renewal of an environmental licence for a marine farming activity where there is no authority for the activity under the marine farming legislation. It has the same purpose as section 42I(5), which applies to proposed new activities.
33(a)	Section 42T(4)(d)	This amendment provides the Director with a wider power to refuse to renew an environmental licence on the basis of unpaid fees. It will be a significant incentive to licence holders to pay any fees due under the Act.
33(b)	Section 42T(5)	This amendment corrects an error made in amendments under the Finfish Regulation Act.
33(c)	Section 42T(7A)	New subsection (7A) corrects an oversight in the Finfish Regulation Act. The new subsection clarifies that new conditions may be imposed upon a renewed licence, but precludes conditions that would authorise the expansion, intensification or modification of the activity. The latter should be the subject of a licence variation in accordance with Subdivision 4.
33(d)	Section 42T(9)(c)	This amendment corrects an error made in amendments under the Finfish Regulation Act. Reasons need only be provided for conditions that differ from those in the licence before it was renewed. Existing conditions carried over require no justification.



<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
33(e)	Section 42T(9)(ca)	This amendment corrects an oversight in the Finfish Regulation Act. New paragraph (ca) requires that the applicant be notified of any existing conditions or restrictions not carried over to the renewed licence, and the reasons for that.
34(a) and (b)	Section 42U(4)	These amendments correct a wording error made in amendments under the Finfish Regulation Act.
34(c)	Section 42U(4A)	New subsection (4A) corrects an oversight in the Finfish Regulation Act. The new subsection clarifies that new conditions may be imposed upon a renewed licence, but precludes conditions that would authorise the expansion, intensification or modification of the activity. The latter should be the subject of a licence variation in accordance with Subdivision 4.
34(d)	Section 42U(6)(a)	This amendment corrects an oversight in the Finfish Regulation Act. Reasons must be provided where the Director renews a licence on his/her own initiative.
34(e)	Section 42U(6)(b)	This amendment corrects an error made in amendments under the Finfish Regulation Act. Reasons need only be provided for conditions that differ from those in the licence before it was renewed. Existing conditions carried over require no justification.
34(f)	Section 42U(6)(ba)	This amendment corrects an oversight in the Finfish Regulation Act. New paragraph (ba) requires that the applicant be notified of any existing conditions not carried over to the renewed licence, and the reasons for that.
35(a)	Section 42W(4A)	New subsection (4A) corrects an oversight in the Finfish Regulation Act. The new subsection clarifies that new conditions may be imposed upon a transferred licence, but precludes conditions that would authorise the expansion, intensification or modification of the activity. The latter should be the subject of a licence variation in accordance with Subdivision 4.
35(b)	Section 42W(6)	This amendment corrects an oversight in the Finfish Regulation Act. The transferee (or proposed transferee) must also be notified of the Director's decision.
35(c)	Section 42W(6)(c)	This amendment corrects an error made in amendments under the Finfish Regulation Act. Reasons need only be provided for conditions that differ from those in the licence

Bill clause	EMPCA provision	Amendment and purpose
		before it was transferred. Existing conditions carried over require no justification.
35(d)	Section 42W(6)(ca)	This amendment corrects an oversight in the Finfish Regulation Act. New paragraph (ca) requires that the applicant and transferee/proposed transferee be notified of any existing conditions not carried over to the transferred licence, and the reasons for that.
35(e)	Section 42W(6)(d)	This amendment corrects an oversight in the Finfish Regulation Act, and makes it clear that only the applicant for the transfer has appeal rights.
36(a)	Section 42Z(2A)	<p>New subsection (2A) corrects an oversight in the Finfish Regulation Act, and clarifies two matters.</p> <p>Paragraph (a) makes clear that the conditions of an environmental licence may relate to an area of water or land other than that on which the activity itself takes place. Such conditions may relate to environmental monitoring, traffic to and from the activity, or other matters distant from the activity.</p> <p>Paragraph (b) makes clear that the conditions of an environmental licence may relate to waters that are part of an exclusion zone established under the <i>Marine Farming Planning Act 1995</i>, provided that the keeping of fish is not authorised.</p> <p>There may be a marine farming activity near to a zone, and it may be necessary to impose conditions on the environmental licence for that activity relating to environmental monitoring, vessel movements to and from the activity, or other matters that take place within the exclusion zone.</p>
36(a)	Section 42Z(2B)	New subsection (2B) complements paragraph (b) of subsection (2A) and makes clear that activities associated with environmental licence conditions may be carried out within a <i>Marine Farming Planning Act 1995</i> exclusion zone, provided that they do not involve the keeping of fish.
36(b)	Section 42Z(3)(a)	This amendment corrects an error in amendments made under the Finfish Regulation Act. Paragraph (a) is presently inconsistent with sub-paragraph (m)(i) of subsection (2).
36(c)	Section 42Z(8)	New subsection (8) corrects an oversight in the Finfish Regulation Act and has a similar purpose to subsections (6) and (7). It is important that the conditions of an environmental licence take precedence over any

Bill clause	EMPCA provision	Amendment and purpose
		environmentally relevant conditions of a LUPAA permit relating to the activity.
37(a) and (b)	Section 42ZA(1)	New paragraph (ca) corrects an error in amendments made under the Finfish Regulation Act. A variation proposed by the Director under section 42P must be treated differently to a variation applied for by a licence holder under section 42N.  New paragraph (cb) is consequential to the insertion of new section 27AE (see clause 16 of the Bill).
37(c) and (d)	Section 42ZA(2)	These amendments correct an oversight in the Finfish Regulation Act. A requirement to a person should be by notice, and it is important that a date for provision of information be specified in such a notice (otherwise a dispute may arise about the appropriate timeframe for compliance with the notice).
38(a) and (b)	Section 42ZE(2) and (3)	The new paragraphs (ab) in each subsection correct an oversight in the Finfish Regulation Act. The Director of Inland Fisheries and the Secretary of the Department should be notified of the referral to the Board of all finfish farming matters, to assist with coordination of regulation.
39	Section 42ZEA	The new section enables the Director to correct manifest errors of a clerical, arithmetic or numeric nature in an environmental licence. The provision is similar to existing section 44A which enables the correction of manifest errors in an EPN.
40(a)	Section 42ZF(2A)	New subsection (2A) provides the Director with a power to cancel an environmental licence where the Board has completed an assessment under section 27AE and advised that the relevant area is not suitable for the keeping of finfish.  The Director must additionally be satisfied that varying the conditions of the licence will not remedy the problems identified by the Board (this latter provision applies where the Board has not also considered a variation to the licence proposed by the Director under section 42P).

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
40(b)-(d)	Section 42ZF(4) and (5)	These amendments correct an oversight in the Finfish Regulation Act. A notice issued under subsection (1) that relates to cancellation of an environmental licence must be able to include conditions which the former licence holder must comply with.
40(e) and (f)	Section 42ZF(5)	New paragraph (d) corrects an oversight in the Finfish Regulation Act. It describes an additional action that is likely to be required in some cases of licence suspension or cancellation.
40(g)	Section 42ZF(5A)	<p>The new subsection (5A) complements the amendments under clauses 41(b)-(d) relating to conditions of a cancellation notice. It makes it an offence to fail to comply with a requirement of a licence cancellation notice issued under subsection (1).</p> <p>There may be very significant environmental impacts where a former licence holder fails to take appropriate action (the removal of fish stock for example). There is no need for a similar offence in relation to a licence suspension notice as the need to get the licence suspension revoked will be an incentive for the licence holder to undertake any required action.</p>
41	Section 42ZH(3A)	The new subsection (3A) corrects an oversight in the Finfish Regulation Act and makes it an offence to fail to comply with a requirement of a licence surrender notice issued under subsection (1). There may be very significant environmental impacts where a former licence holder fails to take appropriate action (the removal of fish stock for example).
42(a)	Section 42ZI(2)(b)	This amendment corrects an oversight in the Finfish Regulation Act. An applicant should have a right of appeal where the Director or Board grants a licence for a fixed term, against the wishes of the applicant.
42(b)	Section 42ZI(3)(d)	This amendment, along with new subsection (3A) (clause 42(h) of the Bill) corrects an oversight in the Finfish Regulation Act. It is associated with the amendment to section 42Q(4) (clause 30(f) of the Bill).
42(c)	Section 42ZI(3)(fa)	New paragraph (fa) corrects an oversight in the Finfish Regulation Act. It enables an appeal to be lodged against the period for which a renewed licence will remain in force (where the licence has been renewed on application under section 42T).

<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
42(d)	Section 42ZI(3)(ga)	New paragraph (ga) corrects an oversight in the Finfish Regulation Act. It enables an appeal to be lodged against the period for which a renewed licence will remain in force (where the licence has been renewed by the Director under section 42U).
42(e) and (f)	Section 42ZI(3)(h) and (j)	These amendments correct an oversight in the Finfish Regulation Act. They enable an appeal to be lodged against amended conditions in a renewed or transferred licence.
42(g)	Section 42ZI(3)(ja)	New paragraph (ja) corrects an oversight in the Finfish Regulation Act. It enables an appeal to be lodged against the period for which a transferred licence will remain in force (where the licence has been transferred on application under section 42W).
42(h)	Section 42ZI	This amendment is associated with the amendment to subsection (3)(d) (clause 42(b) of the Bill). Paragraph (a) restricts appeals to a variation of a licence that is not a variation applied for. Paragraph (b) is a restriction currently specified in subsection (3)(d).
43(a)	Section 42ZJ(1)	This amendment is consequential to the insertion of new section 27AE.
43(b)	Section 42ZJ(2)(c)	This amendment corrects an oversight in the Finfish Regulation Act. It enables an appeal to be lodged against refusal by the Board to impose a licence condition proposed in a representation made during a public consultation.
43(c)	Section 42ZJ(2)	This amendment corrects an error in the Finfish Regulation Act. It is unnecessary to identify the Appeal Tribunal in EMPCA, because the expressions used therein have the same meaning as in LUPAA (see section 3(2) of EMPCA).
44(a), (b), (d), (f), (g), (h), (i), (j) and (k)	Section 42ZK(1), (2), (5), (6), (7), (8), (9), (10) and (11)	These amendments correct an error made in amendments under the Finfish Regulation Act. The word “appeal” rather than “application” is used in the corresponding provisions of section 42ZI and so must be used in these provisions.

Bill clause	EMPCA provision	Amendment and purpose
44(c)	Section 42ZK(3)	<p>Replacement subsection (3) corrects an error in amendments made under the Finfish Regulation Act.</p> <p>Paragraph (a) retains the status quo for licence applications assessed by the Board.</p> <p>Paragraphs (b) and (c) provide that, where an appeal is lodged against a licence granted by the Director under section 42J, it will remain fully in force pending the determination of the appeal.</p> <p>Licences are granted in section 42J in relation to new marine farming activities where the licence application does not have to be referred to the Board, and it is to the advantage of both the activity operator and the EPA that such a licence (including any disputed conditions) comes into effect immediately.</p>
	Section 42ZK(4)	<p>New subsection (4) has a similar effect to subsection (3)(b) and (c) and for a similar reason. Where an appeal is lodged against a licence variation made by the Director, the variation will remain fully in force pending the determination of the appeal.</p>
	Section 42ZK(4A)	<p>New subsection (4A) retains the status quo for licence variation applications assessed by the Board.</p>
44(e)	Section 42ZK(5A)	<p>New subsection (5A) provides that the validity period of a licence set by the Director under section 42T, 42U or 42W, against which an appeal is lodged, remains in effect until the determination of the appeal. Such a validity period will have been set for operational reasons relating to the protection of the environment, and it should remain in effect unless overturned on appeal.</p>
44(l)	Section 42ZK(11A)	<p>New subsection (11A) corrects an omission in the Finfish Regulation Act.</p> <p>Paragraph (a) provides that, where a representor lodges an appeal against the variation of a licence by the Board under section 42Q, the variation is of no effect until determination of the appeal.</p> <p>Paragraph (b) provides that where a representor lodges an appeal against a condition or restriction imposed by the Board or which the Board refuses to impose, when granting a licence under section 42K, the licence is of no effect until determination of the appeal.</p>

Bill clause	EMPCA provision	Amendment and purpose
45	Section 42ZL	This amendment corrects an error made in amendments under the Finfish Regulation Act. The word “appeal” rather than “application” is used in section 42ZL.
46(a)	Section 44(1A)	New subsection (1A) complements the amendment to section 27(6)(a) which transfers the power to issue an EPN (after a section 27 assessment) from the Director to the Board (see clauses 12(e) and (f) of the Bill). The scope of such an EPN is specified.
46(a)	Section 44(1B)	<p>New subsection (1B) provides a power for the Director to issue an EPN to regulate an activity that has newly become a level 2 activity because of an amendment to Schedule 2 of the Act. Paragraph (a) relates to an activity which was previously a level 1 activity (i.e. which has a LUPAA permit). Paragraph (b) relates to an activity that was not a level 1 or level 3 activity.</p> <p>These provisions are necessary as a result of the recent prescription of the tyre storage depots as a level 2 activity (see item 3(ab) in Schedule 2) and the proposed prescription of aquaculture feed works as a level 2 activity (see clause 70(d) of the Bill). The provisions also enable the regulation of any further new level 2 activities in future.</p>
46(b)	Section 44(3)	New paragraph (ca) removes doubt that an EPN may vary the conditions or restrictions of a LUPAA permit.
46(c)	Section 44(8)	This amendment is consequential to the insertion of new subsections (1A) and (1B) (see clause 46(a) of the Bill).
47	Section 51C	New section 51C introduces an offence of conducting a level 2 activity without a LUPAA permit or environment protection notice, similar to the offence of operating a finfish farming activity without an environmental licence that was inserted in 2017 (the new offence will not apply to EL activities). Penalties are the same as those for the offence of operating without an environmental licence. Existing offence provisions under LUPAA have been ineffective in respect of level 2 activities.
48	Section 55(1)	This amendment clarifies that the onus is on the defendant to prove one or other of the specified defences (which was the original intention of the provision). This issue arose from a prosecution and subsequent appeal to the Supreme Court ( <i>Hobart City Council v Budd</i> [2008] TASSC 68).

Bill clause	EMPCA provision	Amendment and purpose
49(a) and (b)	Section 55A(1)	These amendments correct an omission. They will ensure that a defence is available where a defendant has complied with a maximum quantity, etc set in an EPN, similar to the defence relating to the instruments currently specified.
49(c), (d) and (e)	Section 55A(1)(a)	These amendments are for a similar purpose to the amendment to section 55(1). They clarify that the onus is on the defendant to prove one or other of the specified defences (which was the original intention of the provision).
50	Section 72	These amendments remove references to the <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> . That Act is to be replaced in the near future and the superseding Act will include provision for the issuing of infringement notices. The EMPCA provisions relating to the <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> have not been utilised anyway.
51(a)	Section 74(3)	This amendment is consequential to the insertion of new section 27AE, and also corrects an oversight in the Finfish Regulation Act. In respect of assessments undertaken by the EPA Board for the purposes of section 27AE or 42P, the Director effectively becomes the proponent where the Board exercises its power under new section 27F(2A).
51(b)	Section 74(4)	This amendment is consequential to the insertion of new section 27F(2A). It will be unnecessary to provide the proponent with guidance where the power under new section 27F(2A) is exercised.
52(a)-(c)	Section 74D(1)(c), (e) & (f)	The provision for the Director to apportion works and actions between two or more persons that are responsible for a contaminated site has proven to be impractical. These amendments will instead make the persons jointly and severally liable for works and actions, and the onus will be upon those persons to themselves apportion the works and actions.
52(d)	Section 74D(1)(g)	This amendment introduces a necessary distinction between investigation notices and remediation or site management notices. At the investigation notice stage, the Director may be uncertain as to whether or not an area of land is a contaminated site – in fact the purpose of an investigation notice may be to assist with the resolution of that question. By the time a remediation or site management notice is issued, the Director will have formed an opinion that an area of land is a contaminated site.



<b>Bill clause</b>	<b>EMPCA provision</b>	<b>Amendment and purpose</b>
52(e)	Section 74D(2)	The removal of subsection (2) is associated with, and is for the same purpose as, the amendments to subsection (1)(c), (e) & (f).
53(a)	Section 74E(2)	This amendment will enable the Director to serve an investigation notice on a person who has actually accepted responsibility for wholly or partly causing an area of land to be a contaminated site.
53(b)	Section 74E(5)	This amendment is consequential to the amendment to subsection (2) – it is unnecessary to refer to a person “not referred to in subsection (2) or (4)” because all relevant persons will now be referred to in subsection (2).
54	Section 74F	These amendments are similar to, and for the same purpose as, the amendments to section 74E.
55(a)	Section 74K(1)	Subsection (1) presently only allows the Director to revoke a contaminated site notice by issuing another contaminated site notice. In some cases that is unnecessary and inappropriate. The amendment provides for a contaminated site notice to alternatively be revoked by a simple notice of revocation.
55(b)	Section 74K(2)	Subsection (2) presently only allows the Director to issue a completion certificate when a notice has been fully complied with. In some cases that it impractical or unnecessary. The amendment provides for the Director to issue a completion certificate when he satisfied that a notice has been adequately complied with.
56(a)	Section 92(1)(j)	This amendment will enable an authorized officer to require a suspected perpetrator to provide his/her date of birth as well as name and address. Date of birth is of assistance in verifying the identity of persons during investigations.
56(b)	Section 92(7A)	This amendment will protect a person from liability where that person takes action, or does not take action, in response to a direction of an authorized officer or council officer under section 92. The protection is limited to liability for taking or not taking the action or damages relating to it, and the person must take, or not take, an action in good faith.

Bill clause	EMPCA provision	Amendment and purpose
57	Section 92AA	<p>The new section will enable authorized officers to take, or direct another person to take, emergency action. The existing powers under section 92(1) have been ineffective in emergency situations.</p> <p>Subsection (2) provides the emergency powers, and subsection (3) requires an oral direction to be confirmed in writing.</p> <p>Under subsection (4), officers will be able to enter premises (other than residential premises) without warrant for the purpose of taking or directing emergency action.</p> <p>Subsection (6) provides a similar protection to that in new subsection (7A) of section 92.</p>
58	Section 92B(c)	This amendment is consequential to the insertion of new section 92AA (see clause 57 of the Bill).
59	Section 96D(2A)	New subsection (2A) clarifies the responsibility for implementation specified in paragraph (ba) of subsection (1). It is important that EPPs are implemented by the relevant regulatory authorities when carrying out functions under other legislation
60	Section 96G	Section 96G will be repealed. Preliminary notice that an EPP is to be prepared is now considered to be an unnecessary step in the process. It was of little benefit in the two previous cases where EPPs have been prepared. Public and stakeholder input is still provided for in section 96I.
61	Section 96H(1)	These amendments are consequential to the repeal of section 96G. The replacement subsection (1) will in future be the first step in the process of preparing an EPP, and new subsection (1A) will enable the Minister (and Department) to obtain and consider any necessary information.
62(a)	Section 96I(2)(a)	Newspaper advertising is of less importance than when the EPP provisions were inserted into EMPCA (in 2000). Advertising on one Saturday only should suffice.
62(b)	Section 96I(5)	New subsection (5) requires that notice of a draft EPP must be given on a website of the Department, in accordance with contemporary practice in public consultation.
62(b)	Section 96I(6)	New subsection (6) clarifies the conditions under which a person or body may make a submission on a draft EPP.
63	Section 96L(1)	Section 96L(1) will be amended to allow the Governor to make an interim EPP at any time in the process (if satisfied by

Bill clause	EMPCA provision	Amendment and purpose
		the Minister's advice that there should be no delay in doing so). An interim EPP will still be disallowable by Parliament and have a maximum life of 12 months. A 'permanent' EPP, if necessary to replace the interim EPP, will still need to be prepared under other relevant provisions.
64(a) to (f), and (h)	Section 96M – subsections (2) – (5), and (11)	Section 96M will be amended so that the EPP Review Panel's role in determining whether a proposed amendment is significant will be delegated to the Chairperson of the Panel. This will greatly simplify the administrative process.
64(g)	Section 96M – subsection (5)	This amendment provides criteria to which the Chairperson can refer when determining if an EPP amendment "is not a significant change."
64(i)	Section 96M – subsection 11	This amendment is consequential to the repeal of s96G in EMPCA (see clause 60 above)
65	Section 96M	New section 96MA corrects an omission. It provides the Minister with a power to revoke an EPP and the process for doing so (which is effectively the same as the process for making a new EPP). This will ensure public and stakeholder input to any proposal to revoke an EPP.
66	Section 98AA(1)(a)	This amendment corrects an omission. It specifies liability for payment of an assessment fee that relates to a section 25A assessment.
67(a)	Clause 3(b)(ia), Schedule 2	This amendment is consequential to the amendments to the "clean fill" definition in section 3(1).
67(b)	Clause 3(b)(ia), Schedule 2	This amendment will enable further exceptions to the category of 'Waste Depots' to be prescribed in regulations. It is likely that the necessary regulations will be prepared before this Act amendment commences, and they will be made in accordance with the <i>Subordinate Legislation Act 1992</i> .
67(c)	Clause 3(d)(ii), Schedule 2	This amendment removes the land application of class 2 and 3 biosolids from Schedule 2. The activity will no longer be a Level 2 activity for the purposes of the Act.
67(d)	Clause 4(h), Schedule 2	This amendment inserts the new activity of 'Aquaculture Feed Works' into the Level 2 activities defined in Schedule 2.
68(a) & (b)	Item 3(b), Schedule 5	These amendments correct an inaccuracy in the wording of existing sub-paragraph (b)(ii) of item 3, and reposition it as a separate paragraph.

## PART 3 – AMENDMENTS TO THE LMRMA

Bill clause	LRMRA provision	Amendment and purpose
69	-	This clause is a standard provision which identifies the Act to be amended.
70	Clause 12(3)	New clause 12(3A) requires the Minister to notify the Director EPA if a person <u>applies</u> to the Minister for a permit related to finfish farming.
71	Clause 13(3)	New clause 13(4) requires the Minister to notify the Director EPA if the Minister <u>grants</u> an application in relation to finfish farming.
72	Section 92A(2)(a)	This amendment corrects an omission in the amendments made under the Finfish Regulation Act. It ensures that the Secretary of the Department will notify the EPA Director of any variation to a marine farming licence that relates to finfish farming. Such notification is necessary for the coordination of regulation.

## PART 4 – AMENDMENTS TO THE MFPA

Bill clause	MFPA provision	Amendment and purpose
73	-	This clause is a standard provision which identifies the Act to be amended.
74	Section 17(A)(5)(a)	This amendment corrects an omission under the Finfish Regulation Act. It enables the EPA Director is notified in relation to marine farming development plans, not the planning authority.
75	Section 29(2A)	New section 29(2A) corrects an omission under the Finfish Regulation Act. It requires the Marine Farming Planning Review Panel to notify the EPA Director of any modification of the draft plan by the Minister.
76	Section 31(4A)	New section 31(4A) corrects an omission under the Finfish Regulation Act. It requires the Minister to notify the EPA Director of the final approval of a draft plan. Such notification is necessary for the coordination of regulation.
77	Section 41(2A)	This amendment corrects an omission under the Finfish Regulation Act. New subsection (2A) requires the Marine Farming Planning Review Panel to notify and consult the EPA Director in advance of making any modification to a draft plan.
78	Section 42(4A)	This amendment corrects an omission under the Finfish Regulation Act. New subsection (4A) requires the Minister to advise the EPA Director when final approval of any draft amendment is given.
79	Section 48(1A) and 48(3)(bc)	These amendments correct omissions in the amendments under the Finfish Regulation Act. New subsection (1A) requires the planning authority to notify the EPA Director of a review of a marine farming development plan, and to consider any advice provided by the Director before making any notification under subsection (2). New subsection (3)(ba) requires the Minister to notify the EPA Director when the planning authority is given direction to modify any draft plan. These amendments ensure that any regulatory modifications may be made, if appropriate.
80	Schedule 2(a) and (b)	These minor amendments correct omissions under the Finfish Regulation Act to ensure proper membership of the Panel.

## PART 5 – CONCLUDING PROVISION

Bill clause	MFPA provision	Amendment and purpose
81	-	This clause is a standard provision which identifies the Act to be repealed.



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# **AFAC INDEPENDENT OPERATIONAL REVIEW**

**A review of the management of the Tasmanian  
fires of December 2018 – March 2019**



Prepared for the Tasmanian Government



## ACKNOWLEDGEMENTS

This Review was conducted under the auspices of the Australasian Fire and Emergency Service Authorities Council (AFAC) by:

- Mal Cronstedt – Deputy Commissioner, Department of Fire and Emergency Services WA
- Guy Thomas – Director Asset Services, Queensland Parks & Wildlife Service
- Paul Considine – Director Capability and Assurance, AFAC

Overall direction was provided by the AFAC office.

The Review team would like to thank those individuals who gave freely of their time and spoke openly with the Review members. The team benefitted from the input of representatives of the Tasmanian fire agencies, representatives of interstate agencies that assisted with the management of the fires, officials from the Tasmanian State Government and representatives of organisations with an interest in promoting the values of the Tasmanian wilderness areas.

The Review team also greatly appreciates the time taken by members of the public and interested parties to respond to the call for public submissions made in relation to this Review. The Review team read and took account of each submission. We have not attempted to respond in this report to individual submissions made but we have had regard to the major themes that emerged.

The input of all participants in preparing this document was of great benefit to the Review team. However, the content of this report and its conclusions remain the joint responsibility of the team.

AFAC, July 2019

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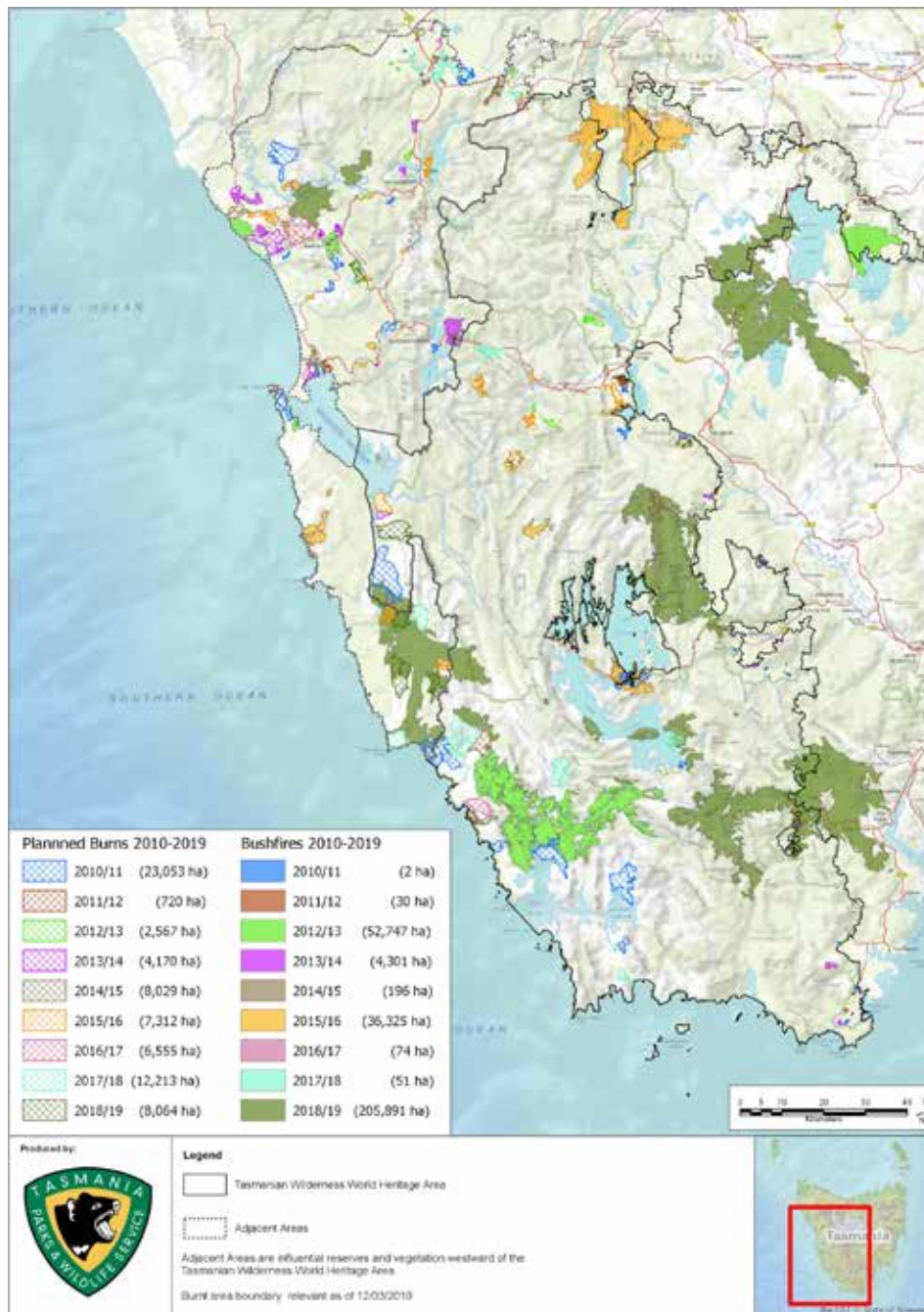
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Frontispiece: Fire History in the Tasmanian Wilderness World Heritage Area 2010-2019

# AFAC INDEPENDENT OPERATIONAL REVIEW

A review of the management of the Tasmanian fires of December 2018 – March 2019



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# 1 SUMMARY

- 1.1 On Christmas Eve 2018, a deliberately started fire on Bruny Island burned 122 hectares and required the evacuation of holidaymakers and residents. This incident, significant in itself, heralded the start of the 2018-19 fire season in Tasmania – in terms of hectares burned, the largest since at least 1967.
- 1.2 Subsequent dry lightning strikes ignited fires at Gell River (27 December), Great Pine Tier (15 January) and Riveaux Road (15 January) – to name but three of the many serious and significant fires that burned over 210,000 hectares of Tasmania during the summer.
- 1.3 Meteorological conditions in the lead-up to the season had not been extreme and there was no particular reason leading into summer to expect extensive fire activity. The weather behind the fires becoming as significant as they did is more a story of notably dry and warm conditions in December, January and February which allowed fuels to dry and fires to become established across the State.
- 1.4 The three fire agencies in Tasmania (Tasmania Fire Service, Tasmania Parks and Wildlife Service and Sustainable Timber Tasmania) are experienced in fighting major bushfires, with the most recent severe season being in 2016. They were not taken unaware by the 2018-19 season and were able successfully to apply organisational structures and firefighting tactics that had been refined from past experience.
- 1.5 There are two stories to tell about the impacts of these fires: the significant success of the Tasmanian fire agencies in protecting human life and property, and, as in 2016, the damage done to ecological and wilderness values in the Tasmanian Wilderness World Heritage Area. Lamentable though the damage to natural values was, Tasmanians should see the efforts to preserve human life as a major achievement.
- 1.6 As often occurs in events of this scale, certain accounts of the fires have gained popular currency: that the Gell River fire was not properly managed in its early stages allowing it to escape; that the Great Pine Tier fire could have been stopped in its tracks if firefighters had been allowed to use machinery in the World Heritage Area, and that arguments between agencies meant that the Riveaux Road fire went unchecked.
- 1.7 In the opinion of the Review things are not that straightforward. With the benefit of hindsight the Gell River fire could have been handled differently, but was managed competently according to accepted industry practice; there was no Parks and Wildlife Service ban on using machinery in the TWWHA and the request for a machine on the Great Pine Tier fire never reached them and in any event it is not possible to say with any confidence that it would have made a difference; and any shortcomings in the management of the Riveaux Road fire were not down to interagency rivalry.
- 1.8 There are lessons to be learned from any major fire event and there are lessons to be learned from these fires too: rather than seeking to assign blame, the Review team has tried to outline what those lessons are in this report and to make suggestions about how these lessons could be turned into improvements in practice.
- 1.9 Other significant issues that the Review has looked at are fire legislation and policy in Tasmania – which is acknowledged by all to be overdue for an overhaul; the use of aircraft in firefighting – much as aircraft are a valuable tool in the firefighter's toolbox, they are a very expensive one, and they cannot solve all of the problems that an event of this nature brings; the use of interstate and international resources – while there are reasoned arguments for increasing Tasmanian state firefighting capacity, it will never be large enough to deal with a season like 2018-19 and so assistance from outside the State will always be a consideration; and facilities – the Review concluded that Tasmania would be well-served by a purpose-built State Control Centre for the management of major natural hazards.
- 1.10 Because a Review of this nature aims to identify learning points, the resulting report can often be seen as negative in tone, and it is easy to take parts of the report in isolation in order to bolster particular lines of criticism. The Review team would urge the reader to identify and learn the lessons of the 2018-19 fire season, but not allow that to detract from the hard and unremitting work – with many excellent outcomes – of the volunteers and staff of the Tasmanian fire agencies, and all those Tasmanian, interstate and international organisations and individuals who supported the firefighting effort.

## RECOMMENDATIONS

1.11 We make recommendations as follows:

### Recommendation 1

TFS, PWS and STT initiate a discussion among their Australasian peers about good practice around managing new fire starts in remote terrain, to include issues around identification, predictive analysis, risk management and suppression activities. The outcome should be a document which allows for benchmarking to accepted good practice across Australasia, from which Tasmanian fire agencies can develop protocols against which the management of future events can be tested.

### Recommendation 2

TFS should pursue the creation of a cadre of volunteer remote area firefighters. In doing so the TFS should not consider itself limited to upskilling of current volunteer brigade members, but should carry out a cost benefit analysis of creating one or more remote area firefighting units based in urban areas, in order to tap into the potential of those members of the urban-based Tasmanian community who may have advanced knowledge and skills relating to navigation and survival in wilderness areas.

### Recommendation 3

TFS should initiate a policy review (seeking support from government as appropriate) to clearly identify what body or agency is responsible for planning, carrying out and enforcing fuel management on private property at a township level. If current arrangements are unclear or ineffective, TFS should request government to consider making this a statutory responsibility of TFS and provide any additional funding required to support this function.

### Recommendation 4

TFS, PWS and STT should work with government and each other to continue to pursue a whole-of-state fuel management and burning program that encompasses all land tenures, meets the range of outcomes required by the state (township protection, risk reduction and landscape-scale burns) and is inclusive of private landholders and local communities as well as all fire agencies.

### Recommendation 5

TFS, PWS and STT agree an updated version of the Interagency Fire Management Protocol which maintains the principle that there will be one state-wide point of command for major unwanted fires burning in the State of Tasmania, explicitly recognises the right of each of TFS, PWS and STT to have their objectives prioritised in incident action planning and adequate resources applied to those objectives, and provides a mechanism for executive decision-makers from TFS, PWS and STT to come together and agree objectives and resourcing levels that will then be operationalised by whole-of-State control structures.

### Recommendation 6

TFS, PWS and STT should establish a State Air Desk, to be staffed by specialist staff year-round, with responsibility for managing both preparatory and contractual issues out of season as well as aircraft management when fires or other emergency events are occurring.

### Recommendation 6A

The proposed Tasmania State Air Desk should have a finance officer attached to its staff.

### Recommendation 7

TFS, PWS and STT should jointly reach a decision on whether a winch capable remote area firefighting capability should be maintained in Tasmania; which agency or agencies should be responsible for that program; and how a winch capable remote area firefighting capability can be safely trained and kept current, to include consideration of the availability of winching aircraft. If the decision is taken not to maintain this capability in the state, TFS, PWS and STT should identify how the gap in capability that this represents should be filled in future fire seasons.

### Recommendation 8

TFS, PWS and STT should jointly carry out work to identify acceptable shift lengths and patterns – including requirements for rest days – for all personnel working on emergency operations. Once these have been identified, systems should be put in place to ensure that HR rostering practices follow these fatigue management guidelines. And senior staff should lead by example and ensure that they, as well as the people working under them, take adequate rest breaks.

### Recommendation 9

TFS should engage in discussions with government about the construction of purpose-built State Control Centre facilities for emergency management in Tasmania.



## 2 ABOUT THE REVIEW

### INTRODUCTION

- 2.1 This Review was requested by the Tasmanian Government into the management of the 2018-19 bushfires by the Tasmanian fire agencies, namely Tasmania Fire Service (TFS), Tasmania Parks and Wildlife Service (PWS) and Sustainable Timber Tasmania (STT). It has been conducted on a non-statutory basis, with no formal powers of compulsion of witnesses or documents.
- 2.2 Tasmania has a history of proactively seeking external Reviews of significant fire seasons, and these have taken place previously in 2013 and 2016. This is a demonstration of a culture of seeking to learn from major events, and we hope that this Review supports that.
- 2.3 The Australasian Fire and Emergency Service Authorities Council (AFAC) identified a team of three people from across the sector to carry out the Review. Deputy Commissioner Mal Cronstedt from the Department of Fire and Emergency Services WA chaired the team, which also included Guy Thomas from Queensland Parks and Wildlife Service and Paul Considine from AFAC.
- 2.4 The Review team has broad and varied experience of urban fire, rural fire, land management and aviation operations from both Australia and overseas. The AFAC office supported the Review and acted as a sounding board for our conclusions and recommendations. The Review has had regard to other publications<sup>1</sup> in compiling this report. The result is intended as an independent review, at a strategic level, of operations in the 2018-19 fire season in Tasmania.
- 2.5 The Review team and AFAC do not have responsibility for tracking the uptake and implementation of the findings of this Review – our work is over once the report has been delivered to the Tasmanian Government. We understand the challenge to emergency management agencies (in particular) when repeated incidents lead to repeated reviews and an ever-increasing list of recommendations to be addressed – not all of which may be practical to achieve within budget and policy constraints. We include a brief reflection on this at the end of this report.

### TERMS OF REFERENCE

- 2.6 The terms of reference for this Review were agreed between AFAC and the Tasmanian Government and are as follows:
- The causes, chronology and response of the 2018-19 bushfires in Tasmania on and following 28 December 2018.
  - The effectiveness of community messaging and warnings.
  - The timeliness and effectiveness of the fire response and management strategy, including accommodating the priorities of life, property, timber production and forest asset values, and environmental and cultural values by Tasmanian fire agencies.
  - The impact and effectiveness of fuel management programs in the fire affected areas on the management and containment of the fires.
  - The effectiveness of state, regional and local command, control and co-ordination arrangements, to include agency interoperability and the co-ordination of emergency management activities with government and non-government organisations.
  - The effectiveness of the arrangements in place for requesting and managing interstate and international assistance and the significance of interstate and international assistance in managing the fires.
  - The use and effectiveness of aviation firefighting resources, in particular, the suitability of aircraft types for the protection of environmental values, forest assets and the rural/urban interface in Tasmania.
  - Any other matter that the Review identifies in the course of its activities as warranting discussion.
  - The Review will provide a means for members of the public and other interested parties to make submissions to the Review and will have regard to any submissions received in compiling its report.

<sup>1</sup> AFAC *Conducting Independent Operational Audits*, Version 2, AFAC, 2018; *What is Operational Success for Fire and Emergency Services*, AFAC, January 2015; *Strategic Directions for Fire and Emergency Services in Australia and New Zealand 2017-2021*, AFAC, 2016.

## RELATIONSHIP TO OTHER REVIEW ACTIVITIES

- 2.7 We were advised that other after-action reviews are also being undertaken independently by the agencies involved. They include debriefing and after-action review exercises being undertaken internally within Tasmanian fire agencies, Tasmania Police and supporting organisations in other jurisdictions. These internal exercises will not necessarily be designed to be put into the public domain and may be expected to focus on the operational aspects of the event.
- 2.8 This report is free-standing and based on the evidence that the Review gathered during its fieldwork phase. It deliberately does not deal with the detailed operational issues that will have been addressed in internal after-action reviews, and our intent has been to maintain the discussion and conclusions of this report at a more strategic level.

## METHODOLOGY

- 2.9 The Review team travelled to Tasmania in March and April 2019 and met with Tasmanian fire agency staff, personnel from other agencies, government and representative bodies. The Review had the opportunity to visit a number of the firegrounds and discuss the strategies used there. We considered documentation relevant to State emergency management arrangements, preparedness, response and recovery. We also contacted some stakeholders by email and telephone to obtain feedback on their experience of the management of the fires.
- 2.10 A call for public submissions to the Review was published in the Tasmanian press on 6 April 2019 and further distributed through social media. We received 80 submissions, which the Review team has read and had regard to. The number and detailed content of many of these submissions means that we cannot respond to each point that was made to us. We have however carefully considered what has been said to us, and we hope we have been able to identify all of the major themes. In addition, the submissions made will be published (unless the author asked us not to) and so form a record of the issues that were subject to public debate following these events.
- 2.11 The Review has adopted the following principles:
- We have not tried to read and digest every document produced in relation to the management of the fires. We have been provided with a significant amount of documentation by participating agencies and we have reviewed key documents that have assisted our understanding of the circumstances of the fires.
  - We have not acted as a fact-finding body to resolve disputes. Where we have identified issues with the management of the fires we have discussed these with the people involved and we have reached conclusions based on the available evidence and our professional judgment. We have not gone about this exercise in the same way as a court or legal inquiry would, and our conclusions should not be relied upon to apportion blame or prove that one party or another is right about a particular issue.
- 2.12 We may use language in this report such as 'we were told', which sets the context for the conclusions that follow, but does not imply that we investigated and confirmed the truth of the statement. If we use phrases such as 'we found' or 'we conclude' these should be taken as conveying our opinion on the matter based on the best evidence available to us.
- 2.13 Arising out of the Review we have identified certain recommendations for the Tasmanian fire agencies: we invite them to have regard to our recommendations while acknowledging that it is a matter for the agencies to prioritise these as they see fit. In places in this report, we have made a number of comments that we have not wished to elevate to the status of recommendations, but which, again, we invite the agencies to take account of in their future business planning.



### 3 THE CAUSES, CHRONOLOGY AND RESPONSE OF THE 2018-19 BUSHFIRES IN TASMANIA ON AND FOLLOWING 28 DECEMBER 2018

#### WEATHER

- 3.1 Records of the antecedent weather conditions to the 2018-19 Tasmanian bushfire events showed the State had experienced a warm, but somewhat average year overall. Mean temperature was 0.71 °C above average across Tasmania in 2018, making it the fifth-warmest year since 1910. Rainfall for the year was close to average but significant variations across the months. Although there were concerns about bushfire risk in east coast areas, up until December there was little to indicate a particularly bad fire season ahead for the State.
- 3.2 The summer of 2018-19 was Tasmania's second-warmest on record, with the mean temperature 1.60 °C above average; and only slightly cooler than the record summer of 2015-16. A feature of the summer was persistently warm days, especially during December and January and few especially cool days.
- 3.3 Most areas had little if any rain for about six weeks from late December to early February. In particular January had about one-fifth of its average rainfall and was Tasmania's second-driest on record (after January 1939). Parts of the southeast had their driest summer on record. Most of the east and north of Tasmania had less than 10 mm of rain for the whole month, and even in the usually wet western highlands totals were less than 100 mm.
- 3.4 These very dry and consistently warm conditions resulted in extreme dryness and rapid curing in most vegetation types including wet forests and moorlands. Vegetation that would ordinarily be too moist to burn became available fuel.
- 3.5 Extensive bands of lightning extended across the western and southwestern areas of the State on 14 and 15 January, with the second event producing over 2400 dry lightning strikes. The absence of any associated rainfall and hot, dry conditions resulted in over 70 new fires breaking out across the State. Several of these became significant fires.

Figure 1:

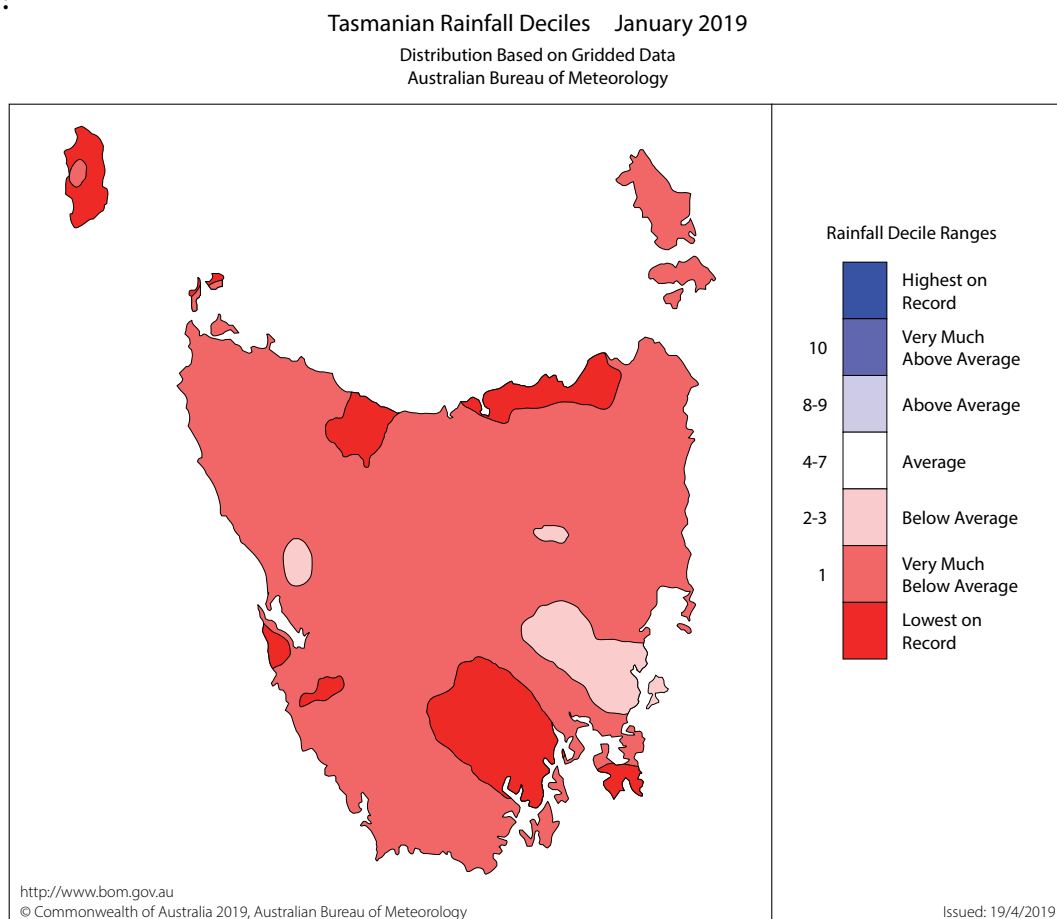


Figure 2:

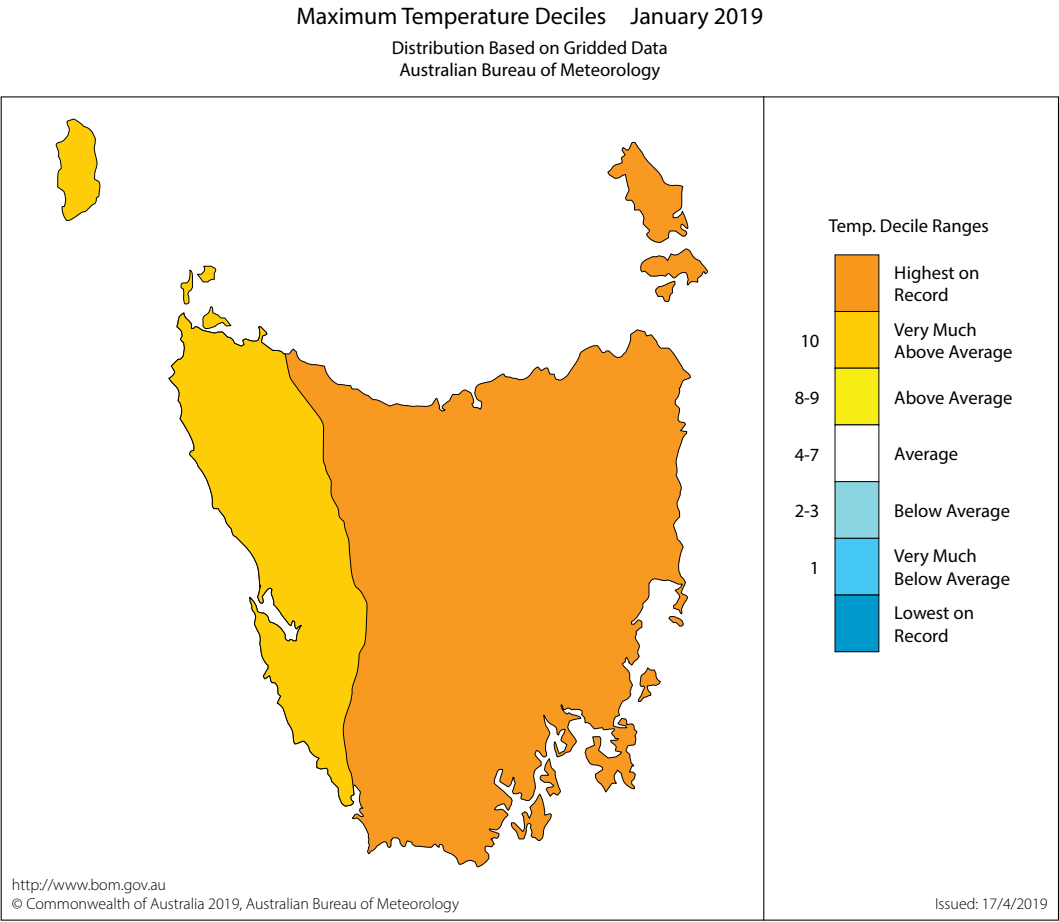
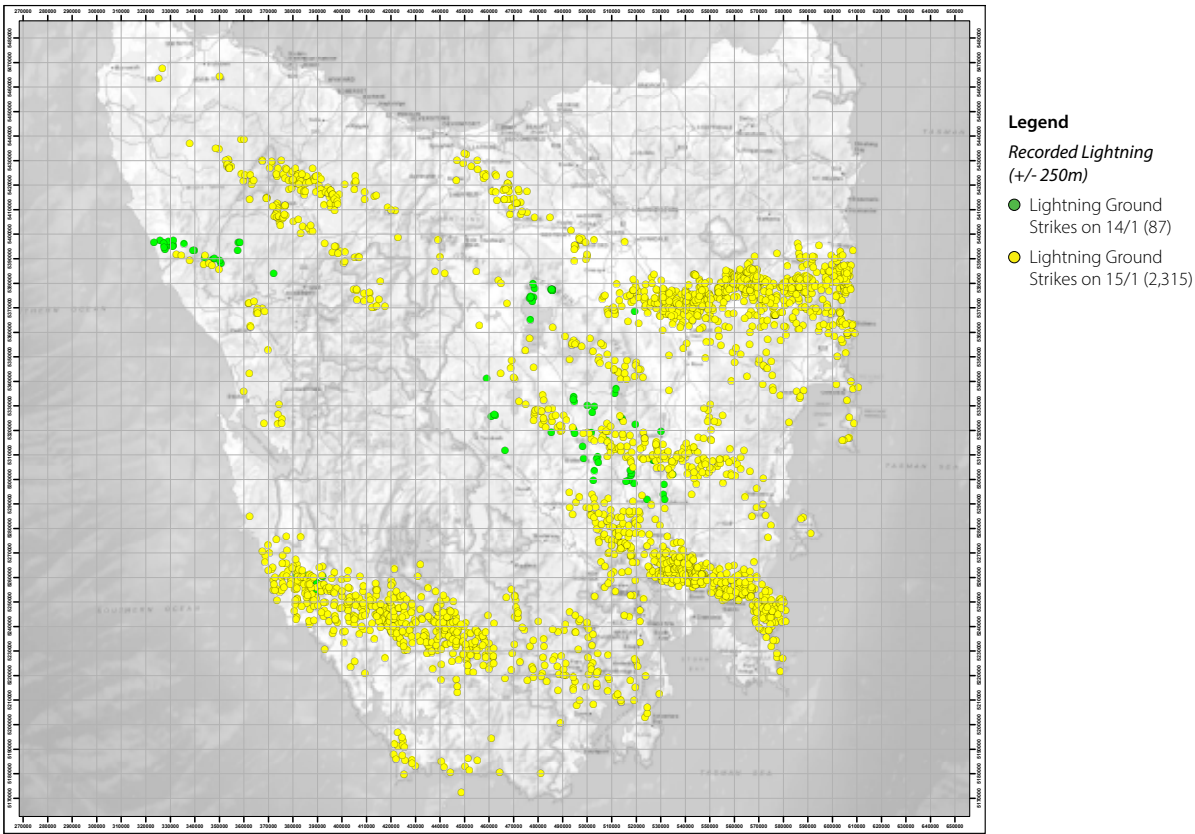


Figure 3: Lightning strikes in Tasmania, 14-15 January 2019



- 3.6 The Review received a number of submissions that suggested dry lightning is becoming increasingly evident in Tasmania. While changing climate is undoubtedly resulting in altered weather conditions and may be influencing patterns of lightning, we heard there are other significant factors that may also be involved. Of particular note is the technological advancement which has significantly enhanced lightning strike tracking capability over the past decade. Simply put, the Bureau of Meteorology has developed enhanced capabilities to better detect lightning, so it is difficult to establish conclusive trends from simple analysis of historical data. What may be evident is that a combination of soil dryness and fuel curing in historically 'wet' vegetation communities is facilitating increased ignitions from lightning strikes than may previously have occurred.
- 3.7 Consistent with fire events in Tasmania and other jurisdictions over the past decade or more we heard reports of firefighters witnessing unusual and unpredictable fire conditions they had not previously experienced. This included fires carrying through very tall 'wet' *Eucalyptus regnans* forest and burning through rainforest ecotone vegetation communities that would ordinarily provide natural control lines.
- 3.8 Consistent with strong scientific evidence and following the significant fire events in Tasmania in 2013, 2016 and 2019 there is broad acknowledgement and acceptance that projected changes to climatic conditions will result in longer, more severe fire seasons for the State, as with other parts of the country. This will only become more challenging as the weather windows open for prescribed burning shift with changing climatic patterns, adding uncertainty and complexity to burn planning.

## CHRONOLOGY

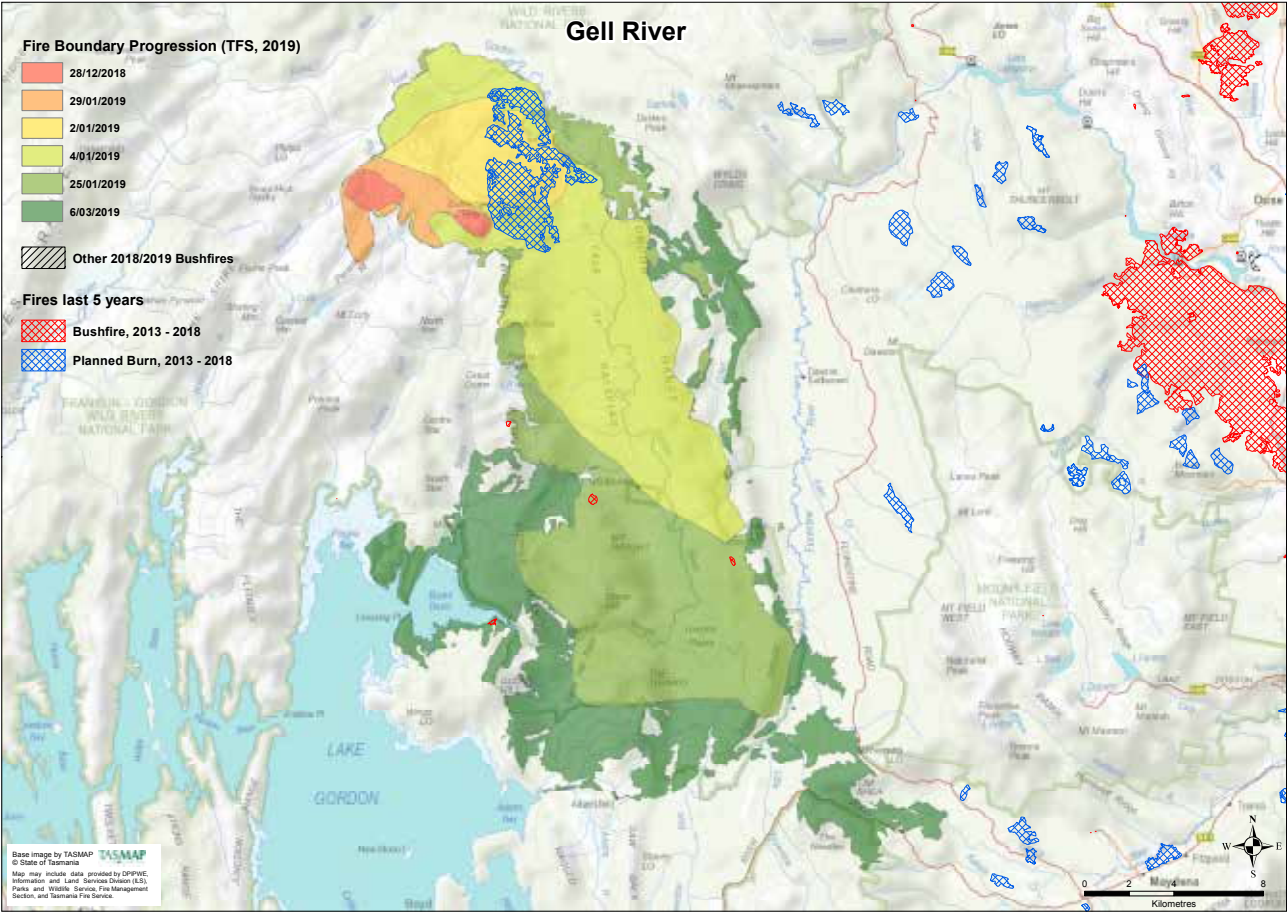
- 3.9 A deliberately lit fire was detected at Conleys Point on South Bruny Island on 24 December 2018. An Emergency Alert was issued for this fire with the relocation of multiple residents and campers during the late evening and early morning of Christmas Day. Several structures were destroyed or damaged by the fire.
- 3.10 Dry lightning occurred in Tasmania on 27 December 2018. This event ignited fires that went on to merge and become the Gell River fire, 40 kilometres to the northwest of Maydena in the Franklin-Gordon Wild Rivers National Park.
- 3.11 On 15 January 2019, a second lightning event produced 2402 recorded dry lightning strikes across the state, igniting a large number of additional fires. Over 70 fires were started state-wide. A combination of dry conditions, strong winds and inaccessible terrain prevented many of these fires from being controlled. For management purposes the fires were grouped into complexes as follows:
- South-west Complex (managed by an incident management team located at Cambridge, near Hobart)
    - Gell River Fire
    - Riveaux Rd fire
    - Celtic Hill fire
  - Rosebery Complex (incident management team situated at Burnie)
    - Lynch Hill Fire
    - Western Hills Fire
    - Fowl Creek
    - Brittons Link
    - Rapid River
  - The Great Pine Tier Fire (incident management team situated at Youngtown in Launceston)
- 3.12 Another fire (Moore's Valley) in the remote SW burned 36,273 ha with a perimeter of 287 km. Due to the inaccessibility of this area and the lack of significant values at risk, other fires were prioritised, and no active fire suppression was employed. It was monitored by the North West Regional Operations Centre in Burnie.

### *South-west Complex (Cambridge IMT)*

- 3.13 The first fire in this area was the Gell River fire noted above. It was detected on 28 December and burned in the Tasmanian Wilderness World Heritage Area and in commercial timber reserves in the Florentine Valley of significant value to the timber industry. There were a number of fire-sensitive values present in the area, including the Alpine Plateau above Lake Rhona and areas of mixed forest and temperate rainforest. Heritage cultural sites and commercial values as well as key telecommunication infrastructure and power transmission were at risk. The Gell River Fire covered 35,062 ha with a perimeter of 607 km.



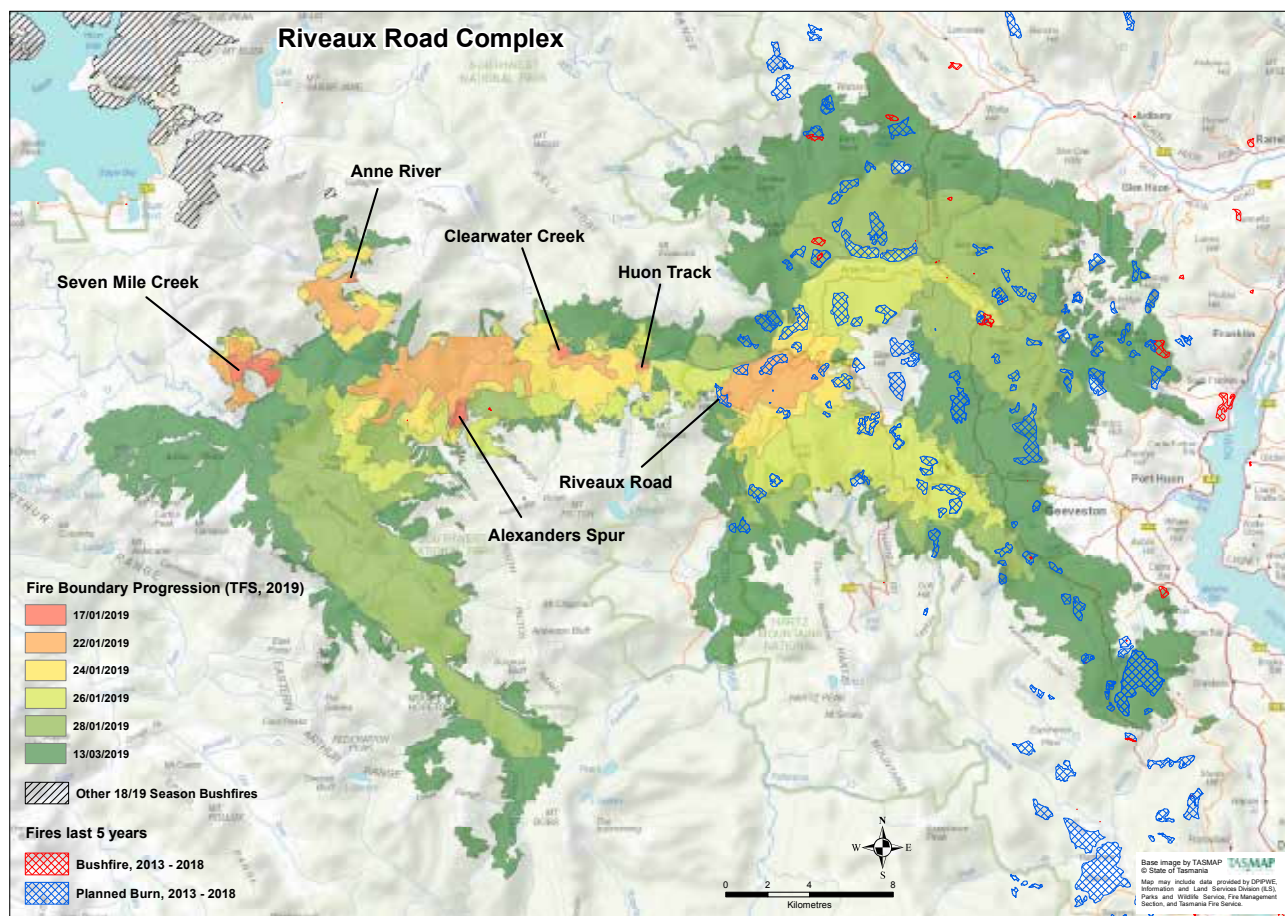
Figure 4: Gell River fire progression map



Buttongrass plain in recovery, Gell River, February 2019 (credit: Guy Thomas)



**Figure 5: Riveaux Road fire progression map**

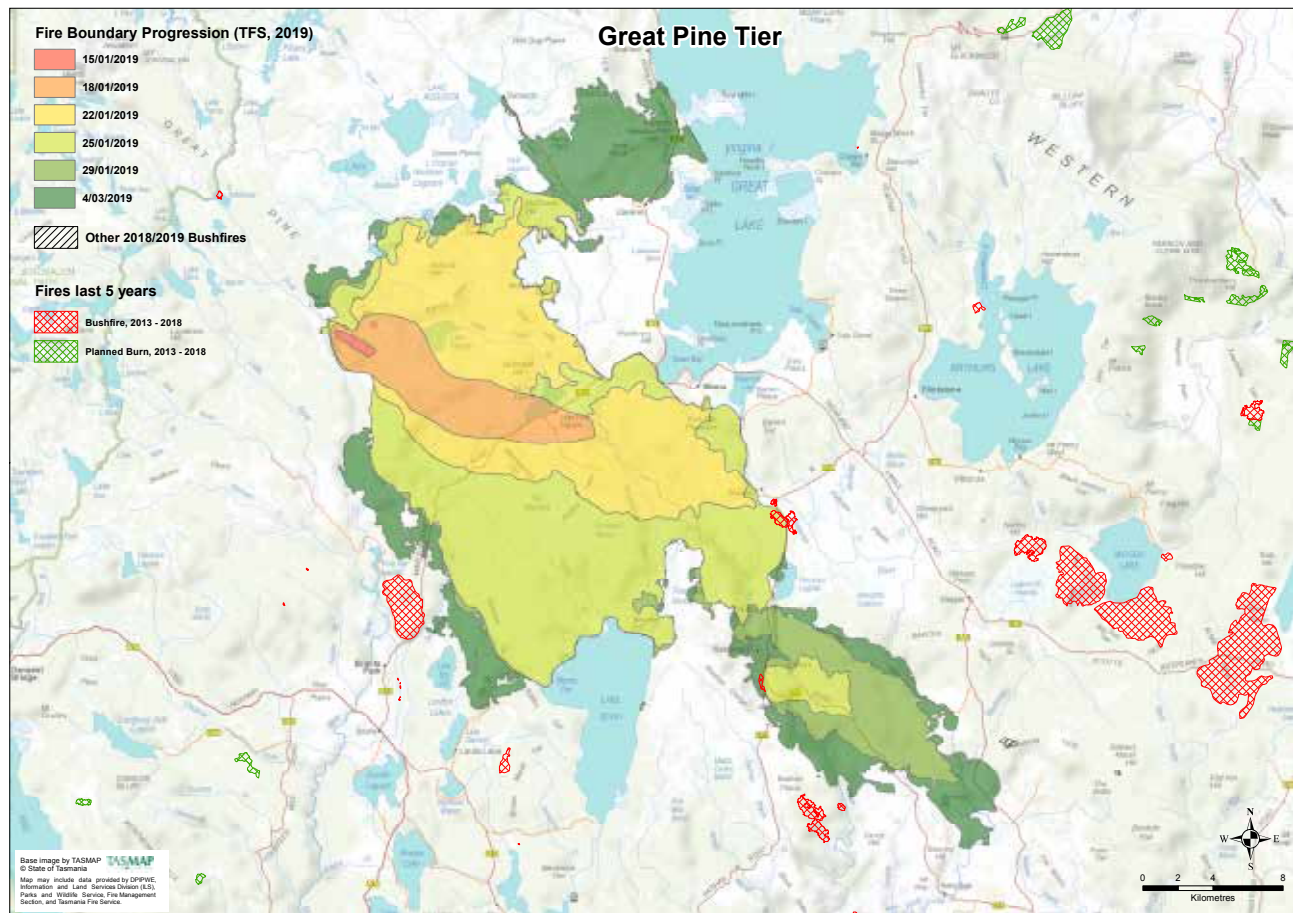


**3.14** The Riveaux Rd fire started on 15 January and burned to the west of Huonville and Geeveston on private land and in the South West and Hartz National Parks. There were a number of fires that joined and progressed east of the Kermadie Divide and through Scotts Divide. On 30 January 2019 the fire ran into settled areas of Castle Forbes Bay and parts of Port Huon. Two properties were lost in Frypan Road and one in Bermuda Road, Glen Huon, one in Sheoak Road, Judbury and one on the Huon Highway, Waterloo. The fire covered 63,769 ha with a perimeter of 932 km. The South West complex also included the Celtic Hill (3,560 ha and 99 km fire edge), Mount Solitary (1370 ha and 38 km), Anne Gorge (1009 ha and 21.5 km), and the Lake Pedder fires (1114 ha and 31.2 km).

#### ***Rosebery Complex (Rosebery IMT)***

- 3.15** The Lynch Hill (2815 ha and 42.8 km) and Western Hills (6492 ha and 55.1 km) fires in the north west of the state were located to the north of Zeehan and the north west of Rosebery. The Lynch Hill fire was identified on 15 January 2019 with limited suppression activity initially due to resource limitations. Ground reconnaissance was undertaken on 19 January 2019 and direct attack commenced by ground crews and light tankers. The Western Hills fire was identified on 16 January 2019. Some aerial suppression was undertaken on 18 January 2019 together with machinery suppression. These fires burned in Regional Reserves and in potential production forest and the Western Hills fire also burned a large area of private land.
- 3.16** The Brittons Link fire 14 km south east of Smithton was largely within a timber production area. The fire was started by machinery operating in a STT harvesting operation area and was first reported on 29 January 2019. This fire covered 2,460 ha with a perimeter of 35 km.
- 3.17** The Rapid River fire was on the North West coast to the east of Dempster Plains. It started on 31 January 2019 and burned in mostly inaccessible and remote areas. Remote Area Firefighting Teams tried on several occasions to gain access but the conditions were not favourable for active firefighting operations. This fire was 477 ha in size with a perimeter of 16 kilometres.

**Figure 6: fire progression map, Great Pine Tier**



#### *The Great Pine Tier Fire (Great Pine Tier IMT)*

- 3.18** The Great Pine Tier fire evolved from a series of smaller fires that started on 15 January 2019, in particular fires at Little Pine Lagoon and Little Pine River. The Great Pine Tier fire burned on the Central Plateau across a combination of public and private conservation estates and other private land. The fire progressed through forestry coupes across the Little Pine River west of Little Pine Lagoon dam, jumped the Marlborough Highway on 18 January and spread east to shacks at Little Pine Lagoon.
- 3.19** Fire behaviour increased due to unpredicted fresh northerly winds on the afternoon of 20 January. This fire threatened the Miena Community (although ultimately did not impact it), and destroyed the nearby Skittleball Plains Homestead. The fire passed through Waddamana on Wednesday 30 January. Under elevated fire danger conditions experienced on 3 February 2019 fire activity at Lake Augusta Road (Liawenee) increased which lead to a significant outbreak and resulted in the fire impacting on the township of Reynolds Neck. This fire covered 51,224 ha with a perimeter of 692 km.

#### *Other fires*

- 3.20** A number of additional fires were managed by the TFS Regions and are estimated to have burnt more than 4,000 ha. The most significant of these fires were those located at Sawpit Hill Rd, Gum Flat Rd and Jimmy's Hill.
- 3.21** The total area burned in the 2018-19 fire season in Tasmania was 210,311 ha with a perimeter of 1,854 km. This makes the 2018-19 season the largest since at least 1967 for hectares burned in the State.

## RESPONSE: STATE OPERATIONS CENTRE AND REGIONAL OPERATIONS CENTRES

- 3.22 The Regional and State management structures for fire are described in more detail in Part 4 of this report: the narrative below identifies when components of this structure were active ('stood up').
- The State Operations Centre was stood up on 3 and 4 January 2019 and again on 11 January and 16 January until 15 February 2019. It was again stood up 1-2 March 2019.
  - The Southern Regional Operations Centre stood up on 3 and 4 January 2019 and operated until late March supporting interstate resources operating in the Region.
  - The Northern Regional Operations Centre stood up on 3 and 4 January and again on 12 January 2019. It stood down operationally on 12 February 2019; however, it continued in a support role to the Incident Management Team until the handover of the Great Pine Tier Fire to the Southern Region on 18 February 2019. The Northern ROC subsequently stood up in line with doctrine due to predicted weather conditions on 1-2 March 2019.
  - The North West Regional Operations Centre stood up on 18 January 2019. It was on standby prior to this time. The North West ROC was formally stood down on 2 March 2019; however, it was not stood up continually during the latter part of this period but operated in a similar way to the Northern ROC.

## RESPONSE: INCIDENT MANAGEMENT TEAMS

- 3.23 The way in which incident management teams (IMTs) are activated to manage fires under the Tasmanian Interagency Protocol for managing fires is described in more detail in Part 4 of this report. Where a Level 3 IMT is referred to below, this means a multi-agency level 3 IMT with a TFS incident controller.

### *South West Complex*

#### *Gell River*

- 3.24 A Level 2<sup>2</sup> PWS IMT was stood up on 29 December 2018 at Strathgordon to manage the Gell River Fire. The Gell River Level 3<sup>3</sup> IMT stood up at Cambridge at 0900 hours on Friday 4 January 2019. During 4-5 January the PWS IMT transitioned into the Level 3 IMT at Cambridge, which took the lead on the Gell River fire on 6 January. It remained in place until 16 January 2019 when it was expanded to manage the South West complex of fires. The last day of the Level 3 IMT at Cambridge was 23 March 2019. It was replaced by a Level 2 IMT which operated from PWS facilities and staffed by a majority of PWS personnel.

#### *Riveaux Road*

- 3.25 In the early stages, the Riveaux Road fire was burning in wet forest on the northern extent of the Picton River Conservation Area. Classified as 'Conservation Area', the interagency protocol provides for PWS to take lead in a Gazetted reserve. Directly adjacent to the Picton River Conservation Area, and within metres of the fire was a large tract of Permanent Timber Production Zone Land, which is regulated under the *Forest Management Act 2013*.
- 3.26 PWS was initially the control agency with PWS and STT personnel operating on the ground. The management of the Riveaux Road fire was handed over to the Cambridge IMT on the afternoon of 21 January 2019.

### *Rosebery Complex*

- 3.27 The Rosebery Level 3 IMT was stood up on 16 January 2019. It stood down on 24 February 2019.

#### *Great Pine Tier*

- 3.28 The Great Pine Tier Level 3 IMT was stood up on 15 January 2019. The IMT was stood down following the handover of the fire to the South West Complex IMT on 18 February 2019.

2 Level 2 IMTs manage more complex fires requiring the deployment of resources beyond initial response, using a core team of incident management personnel.

3 Level 3 IMTs manage highly complex fires requiring a substantial team of incident management personnel to be assembled.





Credit: Warren Frey

## RESPONSE: RESOURCES DEPLOYED

- 3.29** Approximately 2,000 employees and volunteers from TFS and the State Emergency Service (SES), 248 PWS, 116 STT personnel and 127 STT firefighting contractors/machinery operators were deployed during the 2018-19 firefighting campaign. Most of these personnel undertook multiple rotations, meaning there were thousands of deployment rotations by Tasmanians.
- 3.30** The Tasmanian Interoperability Register was activated with the Department of Premier and Cabinet on 17 January 2019 for generalist support staff from other Government departments to the State Operations Centre and Incident Management Teams. This made available many public servants to provide operational support.
- 3.31** An Interstate and International Liaison Unit (IILU) was established in Tasmania from 10 January 2019 to coordinate ongoing resource requests and interstate deployments to Tasmania. There were approximately 1,144 interstate and international personnel rotations involving personnel from Victoria (23), New South Wales/Australian Capital Territory (765), Queensland (77), South Australia (93), Western Australia (94), New Zealand (81) and Emergency Management Australia and AFAC (11).
- 3.32** This was supported by a base camp deployed from New South Wales to assist the management of the Gell River fire, being positioned close to the fireground to ensure quick and efficient fireground rotations. The base camp was operational at Fenton Forest from Monday 14 January 2019. The base camp was initially established for 80 personnel but it was expanded for a capacity of an extra 50 personnel on 18 January 2019.

### *Air Bases*

- 3.33** The following airbases were established:
- Friendly Beaches 4 January 2019
  - Valley Field 4 January 2019
  - Port Arthur 4 January 2019
  - Strathgordon 4 January 2019
  - Bushy Park (Gell River) 11 January 2019
  - Cambridge 11 January 2019
  - Rosebery Sports Ground (SW Complex) 18 January 2019

There were also four aviation management units/centres in operation throughout the State. Several other sites supported areas of operation but were not sustained as fully equipped airbases.



## RESPONSE: PUBLIC INFORMATION/COMMUNITY FORUMS

- 3.34 Throughout the bushfire campaign, there were a significant number of community warnings issued to impacted communities. There were a total of 41 community forums held along with the insertion of Community Liaison Officers into evacuation centres to provide contemporary information to those impacted by the bushfires. TFS provided a spokesperson on ABC local radio to give additional context to the community information being provided. Daily media briefings were held during the height of the fire activity at 1500 hours to provide bushfire information to the whole community.

### *Evacuation Centres Activated*

- 3.35 During the period 24 December 2018 to February 2019, a number of evacuation centres were opened and closed state-wide in accordance with existing municipal and regional emergency management arrangements. The Bruny Island evacuation centre remained open throughout Christmas Day and approximately 55 campers and local residents were assisted as fire authorities responded to the fire threat.
- 3.36 On 4 January 2019, with the potential for the Gell River fire to impact Maydena and surrounding areas, a 'community comfort' facility was opened at the Salvation Army centre in New Norfolk for residents who chose to leave the area due to smoke and other concerns. The evacuation centre in New Norfolk was prepared to open immediately had the situation escalated.
- 3.37 A cell was established in the Southern Regional Emergency Coordination Centre to develop (operational) evacuation plans for communities threatened by fire. A total of 27 evacuation plans were eventually prepared, primarily relating to areas impacted by the Riveaux Road and Great Pine Tier fires, including a maritime supply and evacuation plan in relation to areas south of Huonville to Dover.
- 3.38 Evacuation centres established at Bothwell, Hamilton and Miena remained open during the height of the bushfire emergency in the Central Plateau. The Central Highlands Council and support services staffed the evacuation centres overnight and, after presentations decreased, during each day (with contact details left at the centres overnight if assistance was required).
- 3.39 The Huon Valley evacuation centre (Huonville PCYC) opened as a community service on 22 January 2019 as there were a small number of people around the facility during the morning. This supported the evacuation of Geeveston and surrounding areas on 28 January. Kingborough Council activated its evacuation centre at the Kingborough Sports Centre on the morning of 31 January 2019. There were no presentations at Kingborough and the centre was closed on 1 February 2019. It remained on standby to open as an evacuation centre if the Huonville evacuation centre reached a pre-determined maximum number of attendees.
- 3.40 Approximately 1,400 people (Tasmanian residents and visitors) presented to evacuation centres throughout the State during the period December 2018 to February 2019.

## IMPACTS<sup>4</sup>

### *Built environment*

- 3.41 Rapid Impact Assessment Teams were deployed by the State Operations Centre on 2 February 2019 to verify impacts reported by the IMTs through Situation and Impact Assessment Reports. 6 houses were confirmed destroyed, along with an unconfirmed number of impacts to historic structures, machinery, power poles, sheds and road infrastructure.

### *Power Networks*

- 3.42 TasNetworks assets within the burnt areas suffered some impacts. The Tim Shea Communications Tower was isolated and operated on generator power while the power line to this area was repaired. The Huon River Spur line was extensively damaged. Restoration of the Huon River Spur took place over two to three months to secure power supply to the South Wood mill area. In the Waddamana area (Great Pine Tier fire), precautionary aerial assessment of the lines took place the week of 13 of February 2019 but no damage to the tower lines was identified.

4 This information was current at 13 February 2019 when responsibility was formally transferred to the Recovery Unit run out of the Department of Premier and Cabinet.

### **Road Networks**

- 3.43** 1,358 km of roads and vehicle tracks were within the burnt area with infrastructure such as signage, road barriers and bridges impacted.

### **Hydro Power**

- 3.44** Hydro power infrastructure was only minimally impacted, restricted to two automated water monitoring sites, one rain gauge and one flow monitoring site. It is not expected that the fires will cause any long-term impacts to Hydro Tasmania.

### **Water Infrastructure**

- 3.45** Several water catchments were impacted by the fires with the Huon River Catchment extensively burnt. Rainfall in this catchment will increase water turbidity and pH due to ash runoff. Work was required at the Glen Huon Water Treatment Plant to maintain drinking water quality.

### **Timber and Forestry**

- 3.46** 39,398 ha of land managed by STT was impacted by bushfires over the 2018-19 fire season. A formal assessment is yet to be completed to determine the extent of damage in hardwood plantation, native forest, and regenerating native forest but salvage harvesting, scarifying and reforestation activities will be required. Approximately 32,901 hectares of private forest was also affected.
- 3.47** Roads, tracks and firebreaks are likely to require rehabilitation and impacts to road signage and guide posts are anticipated. The Weld River Bridge has been damaged and will require re-construction which will be a major capital expense. Other damage included the Carbon Flux Tower Warra research area, the Tahune Air Walk and the Southwood timber mill with sheds, an excavator and some product lost.

### **Apiary Industry**

- 3.48** A number of apiary lease sites have been affected in the NW and SW of the state, specifically in the Gordon River Rd area (Gell River fire), the Arve area (Riveaux Road fire) and the Boco Rd/Pieman Rd area (Lynch Hill Fire). Some of these areas are inaccessible to the public and therefore no comprehensive assessment has been made to determine the number of the sites and hives burnt. It is likely to take approximately four years for bee keepers who have lost hives and bees to recover their bee colonies to similar levels.

### **Heritage**

- 3.49** Some Aboriginal Heritage sites are known to have been affected by the fire. Further investigations will be required to determine the degree to which they have been impacted. Access may need to be restricted to these areas to prevent further impacts if the fire has made them visible to the public. The post-fire period can also provide a significant opportunity to undertake surveys for Aboriginal Heritage sites in areas that are otherwise inaccessible.
- 3.50** The Parks and Wildlife Service has confirmed that a building reputed to be Churchill's Hut, a significant heritage structure, has been lost.

### **Significant Vegetation**

- 3.51** Significant areas of alpine heath, sedgeland and grassland occur within the boundaries of the fires, although at this stage it is unknown how much of this has actually been burnt. Most of this potentially impacted vegetation is within the Lake Fergus and Gell River fire areas. The 'Arve Big Tree' has been confirmed as destroyed. To date, visual assessment of the Centurion tree in the Riveaux Rd fire suggests this tree has not been significantly impacted.

### **Very Tall Forests**

- 3.52** Forests more than 70 metres in height are globally rare. Tasmania has approximately 6318 ha of very tall eucalypt forest over 70 m in height. Approximately 14 per cent of Tasmania's very tall forests were burned: 296 ha by the Gell River fire, which includes parts of the largest patches of very tall eucalypt forest within the Coles Creek area on the Gordon Range, and another 607 ha by the Riveaux Road fire.

### **Myrtle-beech rainforests**

- 3.53** Mapping of myrtle-beech dominated rainforests shows 7000 ha within the perimeter of the fires, with the largest areas being within the Moores Valley/Dolphin Ridge (2900 ha), Riveaux Road (2500 ha) and Lynch Hill/Western Hills (1400 ha) fires.

## 4 DISCUSSION AND CONCLUSIONS

- 4.0.1 In this section of our report, we address in turn the terms of reference that the Review worked to.
- 4.0.2 Few reviews of fire and emergency incidents working with the benefit of hindsight could not identify learning points for the future and this is one of the main reasons why reviews of this nature are commissioned. Our comments and recommendations should therefore be read in the spirit that they are intended, to support continuous improvement of the delivery of fire and emergency services both in Tasmania and beyond.

### 4.1 TOR 2: The effectiveness of community messaging and warnings

- 4.1.1 There is a broad recognition across the Australasian emergency management community that information and warnings are a key part of managing any emergency. It was apparent to the Review team that Tasmanian fire and emergency services have embedded this principle in their operations, and the dissemination of warnings is the first priority for firefighters when bushfires are burning out of control.
- 4.1.2 The feedback we received about community messaging and warnings for the 2018-19 fire season was generally very positive. A large amount of information about the fires, their progress, and impacts such as road closures was made available through broadcast media and via the Tasmania Fire Service and Parks and Wildlife Service websites.
- 4.1.3 The Parks and Wildlife Service faces particular challenges in reaching people who are undertaking recreational activities in rural and wilderness areas. This was identified as an issue that Parks managed successfully in the 2016 fires, and we found that the efforts made to communicate with this section of the community in 2019 were equally successful.
- 4.1.4 One theme that we encountered in some of the feedback about warnings was that a structure that might be appropriate for a short duration incident was felt to be less so for an incident that was protracted over days and weeks. Using a standard matrix for identifying whether warnings should be issued as advice, watch and act, or emergency warning meant that some emergency warnings were in place for days, and the same information was being repeated on news media regularly even though it had not changed. There was also an extensive list of warnings and advice messages that took a long time for announcers to read through, which was felt by some to blunt the impact and make it difficult to prioritise what was important and what was less so.
- 4.1.5 We did not conclude out of any of this that Tasmanian fire agencies were at fault. The way in which warnings are classified and delivered is based on national guidelines, which were being followed faithfully. We suggest that Tasmanian fire agencies may wish to feed back into the relevant national committees the experience of people in Tasmania this year listening to the number of warnings that were being issued for the extended duration of this campaign. What, if anything, can be done to mitigate the 'warning fatigue' implications of this is in our view a question for the expert national committees to deliberate on and reach a common view about.
- 4.1.6 We heard strong support among people we spoke with for the community meetings that took place in relation to the fires. A decision was taken to live stream a number of these meetings, which was very well received and would be worth repeating on future occasions. It was clear to us from this feedback that the community meeting is a greatly-valued service provided by fire agencies and cannot be substituted by other methods of communication. Joint working between the fire agencies and local government proved particularly valuable in this regard.

### Riveaux Road Fire

Geeveston – 22 and 27 January, 9 and 14 February 2019  
Huonville – 27, 28, 29, 30 and 31 January, 1, 3, 4 and 5 February 2019  
Dover – 30 January 2019  
Cygnet – 31 January 2019

### Gell River Fire

Maydena – 5, 10, 27 and 29 January, 3 February 2019  
Hamilton – 5 January 2019

### Great Pine Tier Fire

Bothwell – 22, 27 and 31 January 2019  
Miena – 8 February 2019  
Great Lake – 17 January 2019  
Lynch Hill Fire  
Rosebery – 28 January 2019

### Western Hill Fire

Zeehan – 28 January 2019



Community Forums/Information Sessions held

- 4.1.7** We received some comment about the age of Tasmania's ICT platforms for warnings and information, the ease (or lack of it) with which people were able to obtain relevant information from the TFS website, and the lack of an app like the Vic Emergency app (Victoria) or Fires Near Me (NSW). We agree that the current ICT systems are somewhat dated, although we do not wish to detract from the work that was put into making as much information available online as possible during the fires. Inevitably, redevelopment of ICT platforms and the introduction of apps would come at a cost, and we think that decisions about updating ICT systems are most appropriately made by the relevant budget holders. We do nonetheless encourage Tasmanian fire agencies to keep this under consideration and there would undoubtedly be value in updating the current online communication products if funding became available.
- 4.1.8** We did hear some accounts of communities in isolated areas arranging for their own neighbour-to-neighbour (via landline and personal visits) updates concerning fire progress, with people commenting that the information on the TFS website was not always sufficiently up to date or granular enough to meet their needs, if it was accessed at all. In reviewing how community messaging is conducted we encourage TFS to think carefully about those that have little or no connection with the internet, as well as ensuring that products that are available online are up to date and useful for rural residents who are using them to try to assess their current level of risk.
- 4.1.9** Based on the discussions we have had with a variety of stakeholders, and feedback we received during the public consultation phase of our work, we have some observations on the relationship between the Tasmanian fire agencies and the community. This was a theme in 2016 as well, in particular in relation to engagement with community members who had a particular interest in environmental matters. This year, we heard that engagement with environmental groups had been taking place, and was welcomed by them.
- 4.1.10** There was still feedback to the effect that more information could have been provided both about what was happening, and what measures were in place to protect significant values and manage the fires more generally; but there was an acceptance as well that this can be difficult for fire agencies while operations are ongoing. We encourage TFS, PWS and STT to continue to think about how to engage with environmental groups both out of season and while fires are ongoing, not only to provide as much information as is practical to do, but also to increase awareness among the public of the very high importance that the land management agencies set on natural values and the significant efforts that are undertaken to preserve them.

- 4.1.11 Another theme we identified was in some sections of the rural community, there was a belief that TFS in particular was an urban-based service that did not have a deep understanding of rural firefighting. On the face of it we consider that this is a somewhat surprising conclusion, given both the reach of TFS volunteer brigades into rural areas, and the experience over many years if not decades that TFS leaders have in managing rural fire.
- 4.1.12 On reflection we suspect that this feedback speaks more to an issue of engagement than any genuine deficit in TFS capabilities. TFS management has a significant responsibility to engage directly with local brigades and communities to hear their concerns and discuss with them how TFS seeks to meet its obligations to manage rural fire. In turn we encourage rural community members to understand that the last 20-30 years have brought significant changes to rural fire management in terms of incident control structures, safety requirements and the way in which fire management is often now a regional and even state-level affair, and cannot be fully appreciated without understanding the broader context.
- 4.1.13 Many operational reviews in Tasmania and beyond in the last 10 years have identified the importance of local knowledge in fire management and we reinforce that message – we think that this is best achieved by ensuring that local brigades and groups of brigades are embedded in incident management structures. But we sound the note of caution that local knowledge is not to be understood as requiring (or even permitting) local units to act in silos, isolated from a coordinated approach to fire suppression and ignoring the risk and safety management principles that are now required of fire agencies by law.

#### **4.2 TOR 3: The timeliness and effectiveness of the fire response and management strategy, including accommodating the priorities of life, property, timber production and forest asset values, and environmental and cultural values by Tasmanian fire agencies**

- 4.2.1 The Review noted that the State Fire Management Council provides overall guidance through its 'Tasmanian Vegetation Fire Management Policy - 2017'. This affirms a collaborative approach to fire management planning and activities and incorporates principles to reflect and prioritise values for respective stakeholders.

##### *Firefighting in the rural/urban interface*

- 4.2.2 Historically, the highest risk to life and the built environment from bushfire in Tasmania has been associated with the rural/urban interface, where natural vegetation is found adjacent to dwellings and other buildings used and occupied by people. 'Urban' in this context is used to describe areas that have been built upon and may include smaller settlements and townships as well as larger urban areas.
- 4.2.3 The volunteer workforce of TFS has been trained and equipped predominantly to combat fire in the rural/urban interface, and indeed much of that workforce lives in communities that could be described as including interface in their risk profile. Tanker-based rural volunteer firefighters provide speed and weight of attack in the event of fire starts threatening those communities, and their success in doing so in the 2018-19 fire season is reflected both in the limited number of structures lost in interface areas, but also the focus we experienced, when speaking with people in the course of compiling this report, on issues related to remote area firefighting.
- 4.2.4 We were advised that in relation to fires that started in interface areas in the 2018-19 season, all were contained within one work period (approximately 12 hours) of starting. Financial losses from destruction and damage of assets in the interface were limited compared to other fire seasons on record. This is a testament to the efforts of rural volunteers in protecting their communities and a validation of the arrangements in place for pre-positioning resources to combat new starts on days of high fire danger.
- 4.2.5 We are mindful that the emphasis, in this section of our report, on issues relating to remote area firefighting might be seen as not acknowledging the efforts of crews that fought fire in the interface. On the contrary, we think that it is evidence of their success.

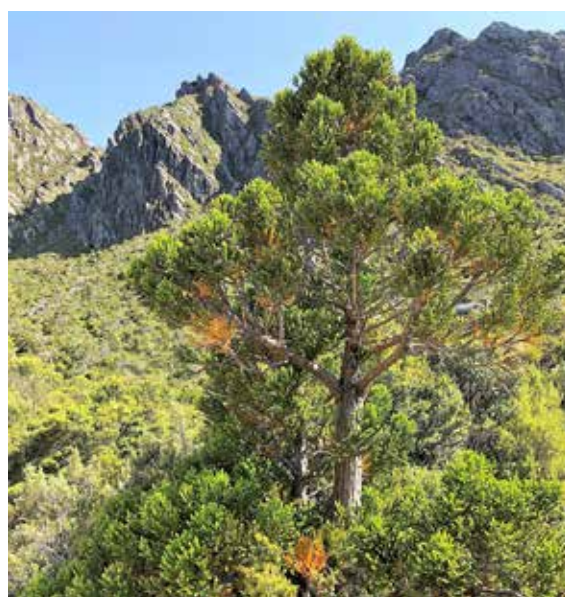


## The Tasmanian Wilderness World Heritage Area (TWWHA)

- 4.2.6** The Tasmanian Wilderness World Heritage Area covers over 1.4 million hectares, or ~20% of Tasmania and is one of the largest conservation reserves in Australia. It conserves a diverse array of both natural and cultural features of outstanding global significance including temperate rainforest and alpine vegetation, complex geology and landforms of immense beauty. The region includes many rare and endangered species that are found nowhere else in the world and a history of Aboriginal occupation extending back beyond 36 000 years (PWS). Although other natural values were impacted by these fire events, the TWWHA provided a focal point.
- 4.2.7** During the 2018-19 summer fire events 36 individual fires started in the TWWHA. A number of these progressed and joined to become part of larger fire complexes at Gell River, Riveaux Road, Great Pine Tier and Moores Valley. Overall, during the course of the summer, 22 fires impacted over 95,000 ha, or 6%, of the TWWHA.

**Figure 7: Hectares burned in TWWHA, 2019**

Fire Name	Area Burnt (ha)
Gell River, Southwest	34,220.9
Riveaux Road, Southwest	31,557.1
Moores Valley, Southwest	9,170.8
Celtic Hill, Southwest	3,515.9
Great Pine Tier, Central Plateau	10,094.3
Dolphin Ridge, Southwest	2,914.7
Mount Solitary, Southwest	1,371.6
Lake Pedder, Southwest	1,120.7
Anne Gorge, Southwest	1,009.8
Wombat Peak, Southwest	257.8
Wilmot Range, Southwest	109.6
Jubilee Range, Southwest	59.9
Gallagher Plateau, Southwest	17.1
Nevada Peak, Southwest	4.4
Murchison River, Lake St Clair	2.5
Devils Backbone, Southwest	1.8
Hewardia Ridge, Southwest	0.9
Precipitous Bluff, Southwest	0.6
Mount Jean, Southwest	not mapped < 1 ha)
Pebbly Beach Bay, Southwest	not mapped < 1 ha)
West Coast	not mapped < 1 ha)
West Portal, Southwest	not mapped < 1 ha)
Total area of TWWHA burnt (ha)	95,430.4



King Billy Pine at Lake Rhona (credit: Guy Thomas)



The Gell River fire (credit: Warren Frey)

- 4.2.8** Preliminary desktop assessment indicates that a total of approximately 2,300 ha comprising thirteen different Threatened Native Vegetation Communities were within identified burn areas in the TWWHA. Importantly, the large majority of threatened vegetation in those areas are classified as having low – moderate fire sensitivity. This includes over 1800ha of highland grassland and sedgeland that were burnt in the Great Pine Tier fire.
- 4.2.9** Four extremely fire sensitive endemic conifer communities were fire affected. Although only small areas in terms of total population extent (<0.1 – 0.2%), these communities contain King Billy Pine *Athrotaxis selaginoides* or Pencil Pine *Athrotaxis cupressoides* that will not recover from fire.

**Figure 8: Impacted Threatened Native Vegetation Communities in 2019 TWWHA Fires**

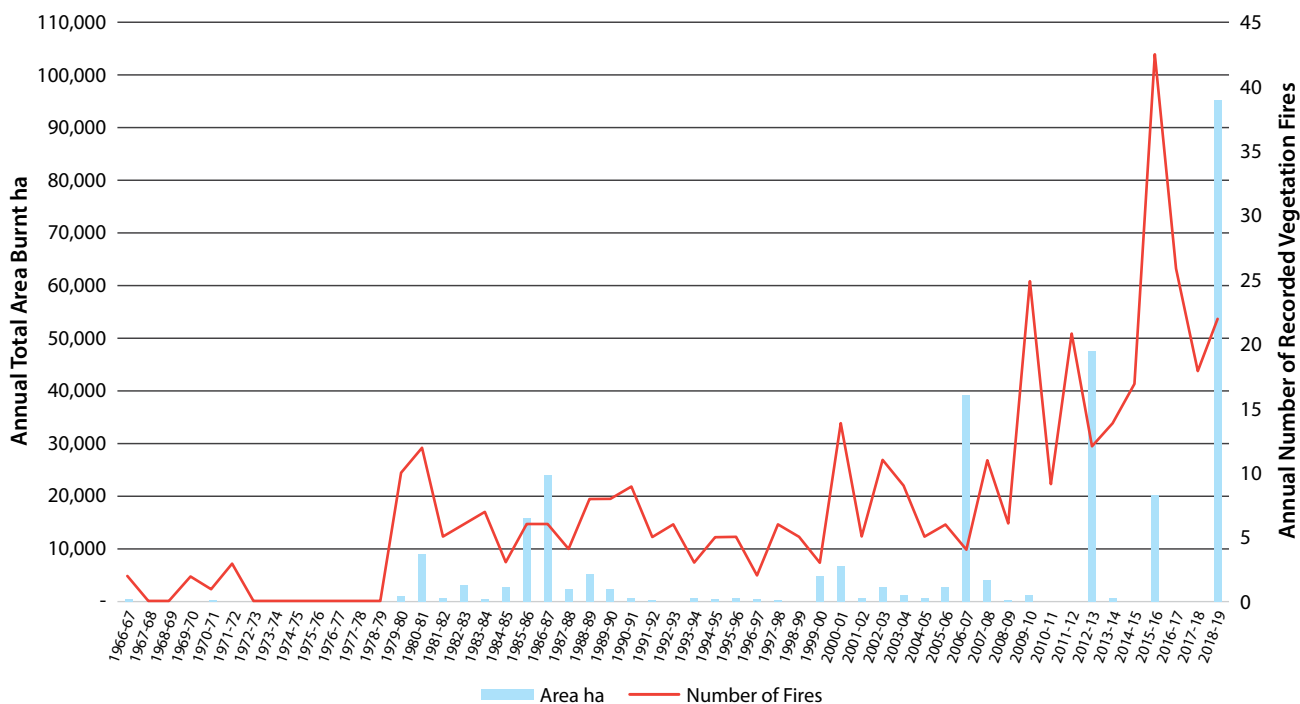
Fire areas (ha) affecting TWWHA threatened communities	Alkaline pans (L)	Athrotaxis cupressoides open woodland (E)	Athrotaxis cupressoides rainforest (E)	Athrotaxis selaginoides rainforest (E)	Athrotaxis selaginoides subalpine scrub (E)	Banksia marginata wet scrub (M)	Cushion moorland (VH)	Eucalyptus brookeriana wet forest (H)	Eucalyptus ovata forest and woodland (L)	Highland Poa grassland (M)	Highland grassy sedgeland (M)	Rainforest fernland (H)	Subalpine Leptospermum nitidum woodland (M)	Grand total
Gell River, Southwest	-	0.5	0.8	-	-	41.3	5.7	-	-	11.6	-	3.8	3.2	66.9
Great Pine Tier, Central Plateau	-	-	-	-	-	-	-	-	-	1,278.2	562.2	-	-	1840.4
Riveaux Road, Southwest	-	-	-	6.8	11.0	150.4	-	-	14.3	-	-	0.2	3.5	186.2
Anne Gorge, Southwest	-	-	-	-	-	77.7	-	-	-	-	-	-	-	77.7
Celtic Hill, Southwest	-	-	-	-	-	81.5	-	38.4	-	-	-	-	-	119.9
Moore's Valley, Southwest	-	-	-	-	-	-	-	-	-	-	-	1.2	-	1.2
Dolphin Ridge, Southwest	36.9	-	-	-	-	-	-	-	-	-	-	-	-	36.9
<b>Grand Total</b>	36.9	0.5	0.8	6.8	11	350.9	5.7	38.4	14.3	1,289.8	562.2	5.2	6.7	2329.2
<b>% of Total TWWHA TNVC 2014</b>	7.2	< 0.1%	< 0.1%	0.1	0.2	13.5	0.2	5.3	4.7	8.5	6.8	1.6	0.2	3.3
<b>% of Total Tasmanian TNVC 2014</b>	7.1	< 0.1%	< 0.1%	< 0.1%	0.2	13.3	0.2	0.5	0.1	4.9	3.0	0.3	0.2	1.8

**4.2.10** Actual extent of fire and impacts on these vegetation communities is subject to detailed analysis and field inspection by the PWS but small permanent losses to some vegetation types is expected. Such incremental loss of fire-sensitive vegetation has conservationists deeply concerned about the future of the TWWHA, most particularly the paleo-endemic Gondwanan forests that include ancient relic species such as King Billy Pine *Athrotaxis selaginoides*, Huon Pine *Lagarostrobos franklinii* and Pencil Pine *Athrotaxis cupressoides*.

**4.2.11** In a changing climate scenario these ancient forests will be subject to increasing threat from uncontrolled fire, whether from cumulative effects of small incremental losses such as has occurred in 2019 or single large-scale events that have happened in the past. Data presented to the review team demonstrates the increasing impact of bushfires on the TWWHA. Fire records are absent or lacking from pre-1980s but the increasing frequency of larger scale fire events is apparent. Notably, more area was burnt in 2019 than the previous 10 years combined.

**4.2.12** The Review heard from key conservation groups, who have a strong and passionate commitment to biodiversity conservation, most particularly in the TWWHA. The groups we spoke to understand there are significant complexities associated with managing and responding to fire in very remote, environmentally-sensitive areas of the TWWHA. They are seeking greater involvement with the fire agencies to help proactively plan and mitigate misunderstandings that may occur during future bushfire events by improving the flow of accurate information.

**Figure 9: 50-year TWWHA fire history data**



- 4.2.13** Conservation groups expressed a strong belief that the Commonwealth Government, as signatory to the World Heritage Convention, has obligations to further support the Tasmanian Government to help protect and mitigate threats to the TWWHA from known and foreseeable risks faced by climate change-related fire scenarios. They conveyed a level of frustration with a perceived shortfall of an international commitment to protect the Outstanding Universal Values of the TWWHA in anticipation of future fire scenarios.
- 4.2.14** There is undisputed recognition and support for the protection of human life in bushfire events. However, a particularly strong notion emerged that the priority of irreplaceable high conservation-value ecological communities should be reassessed in context of critical assets. In particular, this needs to consider the relative priority of unique vegetation communities protected under international conventions against infrastructure assets.
- 4.2.15** The Review heard from some people who believed there was an apparent lack of proactive planning for natural values in the TWWHA to inform tactical resourcing deployments, and that PWS continued to use the same tactics it had deployed in the past. On the contrary, we identified that PWS had moved to provide specific tactical plans to protect vulnerable vegetation communities and other high value assets. Examples of those plans provided to the Review show they contained high quality analysis and tactics. It is apparent these were developed by a team operating under considerable pressure during the fire and included some new and innovative tactical concepts using learnings from the 2016 fires.
- 4.2.16** One such example was the deployment of a sprinkler line at Lake Rhona, an iconic location in the Wild Rivers National Park and part of the TWWHA. Our assessment is the rapid assimilation of intelligence into a plan for that area enabled a tactical deployment of resources in a timely fashion under very trying conditions, the outcome of which was successful protection of highly vulnerable vegetation communities around Lake Rhona.
- 4.2.17** Another novel approach trialled during the Gell River Fire included the protection of important cultural heritage hut assets by wrapping in protective material. Whether such a technique is ultimately considered a viable option, it indicates a willingness to trial and adapt to changing conditions and learn from experience. Importantly, the team heard that lessons were learnt that will result in further improvements in the future.
- 4.2.18** The Review heard that PWS are in the early stages of a project funded to undertake specific fire management planning in the TWWHA. This will include specific site planning to protect vulnerable natural and cultural values. Initial versions of those plans prepared by PWS staff during the fires and provided to the review Team are considered to be high quality, instructive and commended as a best practice approach to such situations.



- 4.2.19** Further developing this capability and expanding the suite of site protection plans to high value vulnerable communities is a worthy endeavour that will aid resource prioritisation and tactical decisions in future events. It is the view of the review team that well-developed, specific tactical plans, are desirable but not commonly available and commend this approach. Indeed, it is evident from the 2019 fires a number of critical community assets did not appear to have such plans in place.
- 4.2.20** The Review heard conflicting views around PWS input to priority tasking and associated resource allocation in the State Operations Centre (SOC). We discuss this in more detail later in this report. It is apparent PWS only had a liaison role at the SOC, and this primarily resulted in input during the twice-daily briefings. In previous years, PWS has held key operational roles in SOC during major events. Given the significant areas of PWS managed lands associated with the 2019 fires it may be that greater operational involvement of PWS in SOC could have mitigated some of the communication issues reported to us.

### *TasNetworks*

- 4.2.21** The Review was told that there were several significant threats to the Tasmania's power network during the course of the fires. As critical community and economic assets for the State, considerable effort was made by multi-agency incident teams and firefighters to protect this valuable infrastructure.
- 4.2.22** Although the Tasmanian power grid has redundancy capability, the location of large fire complexes meant redundant elements of the network were exposed to concurrent threats. Of particular concern was potential for the Waddamana substation to be subjected to extreme ember attack during the Great Pine Tier fire. This risk was previously unforeseen in planning scenarios and the Review understands that no precedent existed as to what would happen if such a situation eventuated.
- 4.2.23** The Review also heard that during the Gell River fire, a threat was apparent to the transmission link from the Gordon Power Station, with modelling showing the Tim Shea communications & data facility would be threatened. Although a more minor facility, the Farrell substation was also impacted during the Britton Swamp Fire. There were real threats to continued supply of power to southern Tasmania and the BassLink mainland connector, had simultaneous impacts occurred to redundant elements of the network. While major transmission lines are generally resilient to direct fire impact, smoke or ionised particles may cause shorting and loss of transmission capability.
- 4.2.24** Apart from direct flame impact on infrastructure, issues with transmission lines are largely associated with different types of 'trips' or 'shorts'. Most commonly these are phase to phase or phase to ground. From a network perspective these are not ordinarily considered a major problem as lines can be re-energised and power restored within a relatively short period (minutes) of the fire front passing.
- 4.2.25** The Review was told that distribution networks that supply domestic power are more vulnerable to direct fire attack as these are often associated with wooden poles and limited-width corridors. They can be repaired or replaced relatively quickly compared to major transmission lines. It was noted that power supply to the Southwood forestry site had already been re-established following the loss of an old private power line which TasNetworks now owns.
- 4.2.26** There was significant praise from incident management team members about TasNetworks input to intelligence and planning, while TasNetworks appreciated the close collaboration with values assessment, prioritisation and tactical decision-making. The importance of established relationships to assist during incidents was emphasised and an invite to TasNetworks (and Hydro Tasmania) to participate and be involved in decision-making at the State Operations Centre showed recognition for the important community asset values they represented and expressed confidence in their assessments.
- 4.2.27** We heard that some contingency plans needed to be refined during the course of the event, but these were quickly resolved. There were positive views that the overall triage assessment of power network priorities was right.
- 4.2.28** One of the more significant aspects the Review team was the importance of fire and other emergency management staff understanding how power networks operate and the specific issues associated with them during incidents. This is recognised as a learning and development opportunity for emergency management staff to be provided with better information around network operations and issues to enhance their understanding in the context of incident response and operations. We think that further improvement could be supported with a similar approach to other critical community networks including water, sewage, radio and telecommunications.

- 4.2.29** The Review Team heard that TasNetworks has already begun identifying areas of improvement as part of their after-incident action planning processes. This includes specific asset protection mechanisms for critical network infrastructure. Based on information provided to the Review Team there is merit in further review of asset protection and reduced fuel buffers around critical TasNetworks community assets. There is also a need to ensure a contemporary representation and assessment of all relevant power assets in the Bushfire Risk Assessment Model to inform future fire management activity and emergency response.

### *Identifying Values*

- 4.2.30** We heard perceptions from a number of people we spoke to that significant forest and timber-related values were not afforded appropriate levels of priority, especially in the early phases of the Gell River and Riveaux Road fires. These values primarily centred around the economic value of standing timber, forestry processing plants at Southwood and a significant tourism facility at Tahune. Such concerns gained public traction very early in the campaign, with media reports in early January claiming \$600 million worth of standing timber in a Sustainable Timber Tasmania plantation was at risk from the Gell River fire.
- 4.2.31** With any major bushfire event impacting large areas there are a variety of significant values, beyond the immediate tangible known elements, that may be impacted. In context of the 2019 Tasmanian fire events these particularly include tourism and forest industry employment and business. Other ecosystem services help support the apiary and energy (hydro) industries.
- 4.2.32** From speaking with PWS personnel and managers we heard an acute sense of awareness from the PWS about its role in supporting local ecotourism and importance of tourism to the State, especially during the peak summer months. Significant efforts and resources were employed to manage visitor safety in fire-affected national parks and establish alternate opportunities wherever possible.
- 4.2.33** Consistent with experience in other jurisdictions, there were reports of tourism being impacted by general commentary and media reporting around 'catastrophic' fires destroying wilderness and property. We heard reports that regional and local tourism and general business was affected by closure of the main Huon Valley Highway. Such closures are an important component of managing the safety of residents and visitors during these types of event and the Review's overall impression was that consideration was given to business needs where feasible. This included facilitating daily stock supply for a large local salmon producer.
- 4.2.34** Our assessment is that there are robust, scientific and evidence-based models and processes in place that identify a range of critical community, natural and cultural assets. The Bushfire Risk Assessment Model tool, which provides a spatial representation of the prioritised assets, was available to inform assessments by planners and the State Intelligence desk. We heard that significant work has been undertaken since 2016 to improve and refine the data which underpins the model however it remains a work in progress.
- 4.2.35** Most people we spoke to commented that natural and cultural values were better recognised and respected during the 2019 fires. This had been a major lesson from the 2016 fires and strongly supported by the respective heads of agencies. Certainly the review team noted there is widespread agreement and recognition of natural and cultural values from people across government.
- 4.2.36** It is widely acknowledged and accepted that during the course of these fires incident teams had to make difficult decisions on how to best protect a wide variety of disparate assets. As with any other such situation, this involved triaging and setting priorities. Regardless that asset values are weighted differently by people, or that they are not well quantified or understood, or may be difficult to effectively analyse, the Review team found that on balance, strategic and tactical resourcing decisions were consistent with generally agreed priorities. Further, we were unable to find any evidence that any assets were lost because of inadequate prioritisation.
- 4.2.37** It was a matter of concern though that, at the very least, the perception existed that the prioritisation of natural values and forest assets was subordinated to values around the built environment. TFS managers were firm in their view that this was not in fact the case, and that all values were accorded appropriate priority. But we think that there is clear evidence that there was not a meeting of minds on this issue, and that the TFS perspective is not shared by all.
- 4.2.38** We consider that the range of values at risk from bushfire in Tasmania, coupled with the separate legislative and commercial responsibilities of the Tasmanian fire agencies and other stakeholders means an emphasis must be placed on further refining currently available data and agreeing relative priorities in a planning environment well in advance of future bushfire events. The fire agencies should review current incident planning processes and command structures to ensure not only that all agencies can positively contribute to priority setting, using agreed priorities from that data, but that it is demonstrable that the objectives of all involved are addressed in incident action planning and resource management.

### *Use of retardant*

- 4.2.39** The Review Team was aware of commentary and findings made in the AFAC 2016 Tasmania Fires Review concerning the use and impacts of fire suppression chemicals in wilderness and other environmentally sensitive areas.
- 4.2.40** Research recently published in Tasmania concluded that while firefighting chemicals cause some adverse ecological impacts, their use must be weighed up against the effect of uncontrolled bushfire. While long-term environmental impacts remain unknown, given firefighting chemicals are unlikely to be used repeatedly in the same location it concludes that cumulative effects of the chemicals should be minimal and long-term, deleterious effect on terrestrial ecosystems is unlikely<sup>5</sup>.
- 4.2.41** The Review team found that the PWS had responded to the lessons learnt from management of the 2016 fires in regard to use of fire suppression chemicals and, informed by the research, used an evidence-based approach to develop guidelines for the use of fire suppressant chemicals. This was assimilated into decision-support tools through the inclusion of specific spatial layers in the Tasmanian government Common Operating Platform (COP). A complementary procedural guide *'Guidance for the use of Fire Suppressant Restriction Layer on the COP'* prepared by PWS enabled the information to be available to incident teams during the 2019 fire events.
- 4.2.42** It was apparent to us, however, from some of the feedback we received, that not all stakeholders were aware of these tools and how to use them. We make the observation that the TFS, PWS and STT should all ensure that these tools are distributed to personnel who may be decision-makers in relation to the use of fire chemicals and that they are aware of how to access and use them in an operational context.
- 4.2.43** The Review team reiterates previous findings from the 2016 AFAC Review that the overall approach to fire management by the Tasmanian fire agencies to protect and maintain environmental and heritage values meets good practice standards. Additional resources allocated by the Tasmanian government that are focussed on refining the planning and management of fire in the TWWHA are expected to realise significant further improvements and help meet the challenges associated with future wildfire events in that iconic area.

### *Fire management: speed and weight of attack*

- 4.2.44** The Review spoke with a number of people who were responsible for directing and managing fire suppression activities in Tasmania in 2018-19. We also received several public submissions in which the question of speed and weight of attack was raised. We considered this issue both generally, and in relation to specific fire starts.
- 4.2.45** It sounds like a simple principle, but is worth repeating that fires that are not subject to suppression activities, and are burning in conditions favourable for combustion, will continue to grow. It is much easier to extinguish a small fire than a large one – and there comes a point where a bushfire has grown to a size where it cannot be extinguished. This point may come sooner than is generally realised, particularly in conditions where there are organic soils which may support combustion beneath the surface, which can be hard to detect.
- 4.2.46** Many people when considering firefighting tactics will think about the example of a house fire, where the fire service is called, attends within the space of minutes, and can 'put out' the fire. Bushfire firefighting is not the same. Where fires are burning in remote areas, it will typically take some hours to commence suppression activities. As discussed later in this report, it may assist to use aviation resources to carry out initial attack, but there are no guarantees of success. And in conditions of elevated fire danger, a fire may develop to the point where it is unsafe to use ground crews to combat it in a relatively short space of time.
- 4.2.47** The bushfire firefighting community in Australasia does in our view understand and aim for rapid suppression of new fire starts. The principle of 'hit it hard, hit it fast' is familiar to bushfire firefighters across Australasia and beyond, and underpins many agencies' fire management strategies. Many inquiries and reviews of previous fire events have focused on whether fires were dealt with sufficiently aggressively at an early stage, before they could take a hold, and all members of the Australasian bushfire firefighting community can be taken to understand the point.
- 4.2.48** There are two particular issues with this principle that the Review noted in the course of our inquiries. The first is where there are multiple fire starts – after a dry lightning storm, there can be dozens of new fires in the landscape at once – and finite resources to attack them. The second issue is whether there is a clear understanding in the firefighting community of what 'hitting it hard and fast' means in practice. And both of those issues have to be contextualised against the challenges of identifying new starts in remote terrain.

5 *The impact of firefighting chemicals on the Natural Values of the Tasmanian Wilderness World Heritage Area*, Styger, 2018.

- 4.2.49** The identification of new starts can happen in a number of ways: through spotter flights organised after an event such as a lightning storm; by human observation and notification via 000; by satellite identification of hot spots, and by other intelligence gathering processes such as line scan or forward-looking infra-red (FLIR) apparatus. All of these methods come with their challenges, particularly where (as can be the case in Tasmania) a lightning storm is followed by a period of low cloud and poor visibility.
- 4.2.50** It is now common practice for spotter flights to occur after a lightning storm, and this tactic was used successfully by Tasmanian fire agencies in 2016 and again in 2019. It should be understood that even where weather conditions are clear and allow for these flights, fires may burn in organic soils or under tree canopies without emitting sufficient smoke to be seen on an initial flight. It should be expected (and is expected by Tasmanian fire agencies) that a spotter flight will not identify all new starts after a lightning event and reports will continue to come in for many days after a lightning event passes through.
- 4.2.51** When a new start is identified, the concept of ‘hitting it hard’ has to be tempered by the amount of resources available. This refers not just to numbers of firefighters, but the ability to transport them, often by air, to the relevant location. In remote areas it will often be the case that water is not used on the fire by ground crews and the only water used is dropped from aircraft, perhaps in the form of foam, gel or retardant, so again the availability of aircraft will be an issue.
- 4.2.52** The Review team did, however, hear of different levels of initial attack being applied to fires. This does not in itself suggest anything wrong with the decision-making involved, but serves to illustrate that there are ‘levels’ of attack that can be applied. A fire that ignited at Tom Thumb to the west of Hobart following the 15 January lightning strikes had significant ground and air resources applied to it, and was suppressed successfully as a result. Other new starts, in perhaps less accessible or high-risk areas, did not have the same weight of attack applied to them.
- 4.2.53** The Review is aware of other published reports on fires in mainland Australia where weight of initial attack has been an issue, including the Canberra 2003 fires, the Harrietsville fire of 2013 in Victoria, and the Wye River fire of 2015, again in Victoria. We are struck by the fact that where there is discussion of ‘hitting fires hard and fast’ (or whatever similar language is used) that is usually not quantified. It could be argued in response that it will always depend on a variety of factors such as remoteness, other priorities, etc., but we think that there is scope for the Australasian bushfire firefighting community to look more closely into what represents good practice in this area. We do not think that this would be a simple exercise, but we think that it should be possible to reach a view on certain basic questions.
- 4.2.54** We accordingly recommend that Tasmanian fire agencies initiate a discussion among their Australasian peers with a view to addressing this issue. There will be a number of variables that any discussion would have to deal with, but we think that a working group ought to be able to identify what good practice looks like in relation to the management of remote area ignitions. We suggest that the discussion would include good practice in relation to
- identifying new starts
  - predictive analysis
  - risk management of high potential fires
  - suppression activities including speed and weight of attack.
- We do not envisage that there could be a ‘one size fits all’ solution to the variety of landscapes and vegetation types around Australia, but some form of benchmarking could be conducted from which Tasmanian protocols could be developed.

#### Recommendation 1

TFS, PWS and STT initiate a discussion among their Australasian peers about good practice around managing new fire starts in remote terrain, to include issues around identification, predictive analysis, risk management and suppression activities. The outcome should be a document which allows for benchmarking to accepted good practice across Australasia, from which Tasmanian fire agencies can develop protocols against which the management of future events can be tested.

- 4.2.55** Arising out of this work, we would anticipate that it would then be possible for Tasmanian fire agencies to set targets for response to fire in remote areas. We have been struck by the number of submissions received by the Review that question the nature or weight of attack applied to fire starts over the 2018-19 summer, and one of the challenges in assessing these submissions has been the lack of any benchmark that we could apply. By definition, nearly all fires will be small enough *at an early stage* to be able to be suppressed, but what an 'early stage' is will vary depending on the fuels, weather conditions and topography present. We have already noted that no system of fire suppression could ever guarantee to prevent some fires becoming uncontrollable. We think that if Tasmanian fire agencies set and published targets for the number and timeliness of resources that would be dispatched to a new fire start, other things being equal, this could both help to support public debate and also pre-incident planning and post-incident analysis by agencies.
- 4.2.56** We recognise also that this discussion will often take place against a background of competing priorities, whether that is major fires burning elsewhere, or multiple new starts. We do not think that that invalidates the question of 'what do we mean by hitting it hard and fast' but instead suggests a second level of inquiry, namely, what planning assumptions do we use when deciding on what standing resource levels we require for fire protection in a given area, and conversely, how much are we prepared to pay to maintain resourcing of this nature? (Put another way, one could of course maintain a vast standing army of firefighters and aircraft able to apply a heavy weight of attack to dozens of simultaneous fire starts, but whether this would be a responsible use of public money is a different question).
- 4.2.57** One factor in this initial weight of attack will be the use of ground based remote area firefighters. We are aware that nationally and internationally, there is discussion about what the term 'remote area firefighter' means. We use it to distinguish firefighters who primarily work from vehicles such as rural fire tankers, and who might expect to use water from a vehicle for fire suppression. A remote area firefighter, as we use the term, might expect to work away from a vehicle for their whole shift; to use 'dry' firefighting techniques such as clearing mineral earth breaks for the entirety of a shift; to walk for several kilometres from a dropping-off point to reach the fireline; to work on foot in steep terrain; to be transported by helicopter; and to meet nationally-endorsed fitness standards such as the 'pack hike test'.
- 4.2.58** Tasmania only has limited numbers of firefighters with this level of training and fitness, and in the 2016 review of the fires that burned in Tasmania that year, it was recommended that Tasmania look at developing a cadre of volunteers with the necessary training and fitness to perform this role. We were told in the course of the current Review that while some funding had been provided for scoping this project, it had not yet come to fruition and there is as yet no volunteer remote area firefighting capacity in Tasmania.
- 4.2.59** We note that the NSW Rural Fire Service maintains a significant number of volunteers who are trained and have the requisite level of fitness to work as remote area firefighters, and many of these volunteers deployed to Tasmania in 2019. We consider that TFS should revisit this recommendation and establish its own volunteer remote area firefighting force. In doing so we consider that it will be important not to overlook the numbers of people who live in urban areas in Tasmania, away from traditional volunteer fire stations, who enjoy recreation in the wilderness areas of the State and already have the fitness and bushcraft skills that would enable them to be effective remote area firefighters given the proper training.

## Recommendation 2

TFS should pursue the creation of a cadre of volunteer remote area firefighters. In doing so the TFS should not consider itself limited to upskilling of current volunteer brigade members, but should carry out a cost benefit analysis of creating one or more remote area firefighting units based in urban areas, in order to tap into the potential of those members of the urban-based Tasmanian community who may have advanced knowledge and skills relating to navigation and survival in wilderness areas.

- 4.2.60** We also received submissions from a number of quarters about the size of the paid firefighting workforce in Tasmania. Some of these noted that the changing environment in which STT works has led to its firefighting workforce shrinking. Others suggested that PWS should expand its workforce proportionately to the additional land area that has fallen within its responsibility following transfers from STT, and to manage the projected requirements of planned burning on its land in the future. Industrial bodies representing firefighters advocate that changing climatic conditions and the demonstrated increased fire activity of the past decade calls for increases in the permanent establishments of both TFS and PWS.

- 4.2.61** We hope that the makers of these submissions will understand that the Review is not in a position to make specific recommendations about the size of the paid firefighting workforce in Tasmania. We consider that it is self-evident that Tasmania's firefighting workforce is not currently large enough to deal with all possible eventualities without assistance from outside the State. That said, we find it hard to imagine that it ever could be, and the same could be said for any State or Territory in Australia. We also understand the point that PWS has a significantly-increased land area under its responsibility and that it is challenging for it to resource fire management – there were specific examples of that during the current season. Equally, at a management level, we noted the limited resources available to Tasmanian fire agencies to resource incident management, regional and state control teams, and the issues that this can create.
- 4.2.62** Having said that, the size of the permanent and seasonal paid establishments must be a matter for the Tasmanian fire agencies to resolve within the parameters of their budgets and having regard to other priorities. In turn, the size of those budgets is not a matter for this Review to comment on. What we do think is important is that there should be an appreciation of the resourcing challenges – which, by and large, we believe that there is – and there should be effective planning in place about how those challenges will be met in future emergencies, whether that is by growing the domestic workforce, or by ensuring that there are responsive arrangements in place for quickly obtaining out of state assistance once it becomes apparent that it is needed.
- 4.2.63** If budgetary arrangements do provide an opportunity to increase the paid establishment of Tasmanian fire agencies, it would be appropriate to reflect on whether value is best added by increasing the frontline workforce, the management level, or both. We heard feedback to the effect that increased management capability would significantly support incident management, the use of aircraft, and community engagement, and we also observed (as we discuss later in this report) the challenges of fatigue management when major incidents occur.

#### *Bureau of Meteorology*

- 4.2.64** We heard positive feedback from a number of people about the role that Bureau of Meteorology (BoM) forecasting played in building an accurate intelligence picture around current and forecast weather conditions over the 2018-19 fire season in Tasmania. Vegetation firefighters identify topography (the landscape), weather and fuel (what is available to burn) as the three key factors that influence bushfire behaviour; and of these, weather is the most variable. A BoM forecaster was embedded in State Operations during the 2018-19 fires, to provide tailored weather predictions as well as spot weather forecasts where required for ongoing operations.
- 4.2.65** One resulting product that was highly valued by personnel involved in managing the fires was a daily video-conferenced weather briefing designed to meet fire managers' needs. Inputs from the BoM weather forecaster supported ongoing prioritisation of fires and options analysis. We are of the view that having a forecaster embedded at the State Operations level in this way represents good practice, and although we understand also that it represents a budgetary impost, it is a tactic that Tasmanian fire agencies should continue to employ in the future during periods of high risk or extended operations.
- 4.2.66** Against the background of the general discussion above, we turn to consider some specific issues that were raised with the Review around the management of individual fires. Comment about the statewide command and control arrangements is dealt with separately later in this report: this section focuses more on strategies and tactics for the management of individual fires.

#### *Gell River*

- 4.2.67** The Review team heard a number of comments, from several different perspectives, to the effect that the Parks and Wildlife Service did not apply sufficient resources to the Gell River fire in the early days, such that it became uncontrollable and took a major run down the Vale of Rasselas, threatening significant environmental and commercial values, as well as the town of Maydena.
- 4.2.68** The progression and management of the Gell River fire has been referred to earlier in this report. In considering the complaint that not enough was done to suppress the fire in its early stages, we took account of a number of factors. While there was some competition for resources from the fire on Bruny Island, we did not get the impression that the Gell River fire was starved of resources. We also heard a suggestion that response to the Gell River was hampered by a lack of aircraft, but we do not think that that is the case. The aircraft that were contracted under national arrangements were available at the time this fire started, and were used to transport fire crews to the fire on the same day that it was detected. This was in accordance with the PWS bushfire response plan for 2018-19.



- 4.2.69** One significant issue that was confirmed to us from a number of quarters is that it was believed at one point that the Gell River fire was out. This proved not to be the case, and is further confirmation (if any were needed) that it can be hard to detect and monitor fire burning in organic soils in wilderness areas. Crews withdrew from the fireline at Gell River on 31 December 2018, on the understanding that the fire was inactive and did not pose a threat. This unfortunately proved not to be so, with the fire later burning freely to the south.
- 4.2.70** We understand that crews sought assistance from an aerial intelligence gathering (AIG) aircraft at this time, which might have been helpful in identifying invisible hot spots. Such an aircraft was not, however, based in Tasmania and we understand that one was not available. Crews did use land-based thermal imaging cameras with no result, and it is not possible to say that an AIG aircraft would have identified the hot spots that later flared up, or made any difference to the outcome, although it would certainly have presented an additional opportunity to do so.
- 4.2.71** The problem with an event of this nature is that it is easy with the benefit of hindsight to describe an alternative reality in which more resources were applied to a fire to prevent it from developing in the way that it did. The question should not be whether such an alternative reality could have existed, but whether there were specific indications that should have been known to the relevant incident managers that they failed to act on. People that the Review spoke to about this fire – including people involved in managing it – all agreed that with the benefit of hindsight more resources could have been used. However, they also made the point that with the information available to incident managers at the time – specifically, reports from the fireground of no fire activity and that the fire had apparently been successfully suppressed – it would not have made sense to incident managers at the time to apply more resources to this fire.
- 4.2.72** Nor has a specific scenario been outlined to the Review that would demonstrably have led to a better outcome on the Gell River fire – it is possible that more resources could have been applied to it and it would still have ended up running down the Vale of Rasselas. Overall, the Review team concluded that whereas this fire can be seen as a learning opportunity in the form of a case study for future fire managers to consider, it would not be fair to castigate the personnel who managed the Gell River fire in its early stages, and other competent fire managers may well have taken the same approach as they did.

### *Riveaux Road*

- 4.2.73** The Riveaux Road fire started on 15 January as a result of the lightning event of that date. There were a number of distinct points of ignition, one of which was at Pear Hill west of Geeveston. The Review team heard an account from multiple sources that suppression activities did not take place on this fire for a number of days, although it was accessible and remained relatively small, owing to a dispute between PWS and STT over whose responsibility this fire was. Around 21 January this fire took a significant run and was the fire that burned into the Southwood industrial complex, causing significant damage to assets there as well as burning a substantial area of forest.
- 4.2.74** We inquired into this event and were able to speak to personnel from both PWS and STT who were involved in the early stages of the fire. It became apparent that there was no basis for the suggestion that there was a dispute over who was responsible. The fire was burning on land in PWS's tenure, very close to a STT reserve. However, PWS resources were heavily committed to a fire to the south at Hastings Caves, and PWS did not have the resources to be able to combat the Pear Hill ignition.
- 4.2.75** Following the lightning event of 15 January, STT had deployed resources to new fire starts in the Huon Valley on land managed by STT, and was also working with PWS at the Hastings Caves fire. STT had some resources available to direct to Pear Hill, and so by agreement between the agencies, STT resources worked on this fire. By 19 January there were two TFS light units, two dozers, an excavator and a bulk water tanker working on this fire together with two PWS crews.
- 4.2.76** The Review heard from personnel who were working in the Southern ROC at Cambridge that the Pear Hill fire had been identified on 19 January as one of significant concern using predictive analysis techniques. This fire together with the fire at Tom Thumb were considered to be the two fires in the Southern Region with significant potential for spread if not suppressed. The Tom Thumb fire, as mentioned above, was the subject of a high level of suppression effort due to the perceived threat to Hobart, and objectives were successfully achieved with that fire being contained. The same is not true of the Pear Hill fire. We did not think that the weight of attack on the Pear Hill ignition could be described as 'hitting it hard and fast' and this was reflected in the fact that crews on the ground were unable to extinguish this fire or stop its slow spread.

- 4.2.77** We will discuss Tasmanian multi-agency coordination arrangements later in this report: we would however observe that they do not seem to have worked well in the case of the Pear Hill fire. TFS was aware of the fire's potential but does not appear to have taken steps to ensure that resources were directed to the fire proportionate to that potential. The PWS and STT crews on the ground do not appear to have had an understanding of the threat that this fire posed (and there is no reason that they should have done, if they were not informed of the predictive analysis referred to above), and despite the fact that their suppression operations were not meeting with success we found no evidence that resource requests were escalated in line with that threat.
- 4.2.78** We have not commissioned any fire progression modelling to show what would have happened if the Pear Hill ignition had been successfully controlled, and we are mindful that there were other points of ignition in the area that also developed significantly and contributed to what is now referred to as the Riveaux Road fire. We are bound, however, to conclude in relation to the Pear Hill fire that it was not treated in a joined-up way as a significant threat to life, property and the environment in the Southern Region of Tasmania. We will consider in relation to our fifth term of reference how State arrangements might be reviewed to avoid a repetition in the future.

### *Great Pine Tier*

- 4.2.79** An issue that was raised with the Review team from more than one source was that in the early stages of the Great Pine Tier fire, permission was denied for an earthmoving machine to be used to create firebreaks on land controlled by PWS, causing a suppression opportunity to be lost. We spoke to an individual who told us that he had made a request to the Regional headquarters that was denied.
- 4.2.80** In order to assess this account, we spoke with the person within PWS who was responsible for authorising the use of machinery on PWS land. He was able to tell us that there was no blanket ban on the use of machinery on PWS land; that he had authorised the use of machinery on PWS land twice, both times within 30 minutes of the request being raised; and that in relation to the particular occasion in question, he had received no request for authorisation and if he had done, he would have approved it.
- 4.2.81** We have no reason to doubt this first-hand account and so we conclude that the suggestion that PWS was responsible for refusing permission to use machinery on this occasion is inaccurate. Unfortunately, the identity of the person to whom the request was made is unknown, because the person who made it did not make a log book entry or other note about it. It has accordingly not been possible to take our consideration of this issue any further. This issue underlines the importance of logging significant decisions and incidents so that they can if necessary be addressed in after-action review processes.
- 4.2.82** Because PWS has assured us that there is no blanket ban in place on the use of machinery on their land, we suggest that if there is any lesson to be taken out of this occurrence, it is that both PWS and TFS should ensure that all relevant personnel are aware of the contact details for relevant decision-makers for matters such as the use of machinery on PWS land so that requests of this nature can be expedited. It is also important that TFS, PWS and STT make it widely known that there are no blanket bans on the use of machinery anywhere in the State and that requests need to be referred to the correct person so that they can be considered on their merits.
- 4.2.83** As a footnote, we observe that a significant percentage of PWS land would be inappropriate for the use of machinery owing to the risk of it becoming bogged in soft ground or otherwise stuck or stranded. Requests to use machinery have to be considered against the viability of doing so and of course the undesirability of using heavy machinery in sensitive natural and cultural areas where impacts could be long term or permanent.

## **4.3 TOR 4: The impact and effectiveness of fuel management programs in the fire affected areas on the management and containment of the fires**

- 4.3.1** Tasmania has 10 legislated Fire Management Areas, for which Fire Protection Plans are developed annually by Fire Management Area Committees. The Fire Protection Plans are coordinated by land managers and identify the priorities for risk reduction actions within their area, using a combination of modelled bushfire risk and local knowledge. Risk assessment processes take into account a range of community, economic, natural and cultural values which inform the planned burn programs. This is delivered using a tenure-blind approach through a collaborative multi-agency planned burning program of work.



- 4.3.2** A risk re-analysis is undertaken for each Fire Management Area to determine the annual relative risk profiles and impact of fuel reduction burns on relative risk reduction. The 2018 risk re-analysis has shown that bushfire risk reduction to communities has occurred in six of the 10 Fire Management Areas as a result of fuel reduction burns. The Tasmanian State Fuel Reduction Program aims to significantly decrease bushfire risk and attain a State risk rating below 80%. This is being delivered through a \$45 million investment over five years between 2017 and 2022. Information provided to the Review Team shows gradual progress is being made toward that target with an April 2019 risk level of 82%.
- 4.3.3** The state-wide risk has reduced by 4% over the last four years, a notable decrease at the whole-of-state scale. Risk is currently at its lowest level for 15 years and on track to meet the Fuel Reduction Program 2022-23 target of 80%.
- 4.3.4** We were informed that there are various administrative provisions in place between the three fire agencies to manage the governance and financial arrangements of the Fuel Reduction Program. Some comments were made about administrative burden associated with those arrangements and opportunities may exist to reduce this.
- 4.3.5** The Review heard that the creation of a Planned Burn unit in TFS has started a journey of improved understanding, with all agencies gaining a broader appreciation of values in landscape. There were also reports of positive engagement with the community and volunteer firefighters associated with the program.
- 4.3.6** The program has matured significantly and is considered to be strategic, appropriately resourced and relatively successful at achieving targets. By design, focus of the program is on fuel reduction rather than broad landscape outcomes. The agreed target or outcome for fuel reduction in Tasmania is represented as a risk reduction target of 80%. This notionally includes a minimum annual target of over 30,000 ha but typically around 20,000 ha is achieved.
- 4.3.7** In response to a recommendation from the 2016 Tasmanian Wilderness World Heritage Area (TWWHA) Bushfire and Climate Change Research Project from 2017-2018 the Tasmanian Government committed \$500,000 per annum of the Program budget for strategic landscape burning in the south west wilderness areas of Tasmania to help protect iconic vulnerable natural assets. We were told that as part of this funding initiative, work is currently underway on a strategic fire management plan for the area. The team was advised this funding is providing the additional capacity necessary to develop and refine fire planning products for the TWWHA and will assist future planned burning and bushfire suppression tactical considerations.
- 4.3.8** Favourable weather conditions during Spring 2018 resulted in 34 fuel reduction burns being conducted over nearly 14,000 hectares. These included strategic burns to protect communities, assets and World Heritage values.
- 4.3.9** Planned burns conducted in the past five years have contributed to ameliorating fire behaviour and subsequently mitigating the intensity and extent of the 2019 fires. Of particular note, a planned burn conducted at Montana Flats north of the town of Zeehan in February 2017 has been credited with preventing spread of the Western Hills fire and containing it to the north of Heemskirk Road. Other planned burning conducted in the previous five years immediately to the north of Zeehan is also likely to have afforded protection. It is the opinion of experienced fire managers that without these fuel reduced areas there is a high likelihood the fire would have encroached on the Zeehan township.
- 4.3.10** A planned burn in 2015 at Denison Gap, north of the Vale of Rasselas, is considered by PWS fire managers to have moderated fire behaviour and limited fire spread to the north of the Gell River fire. In the Southwest National Park, a planned burn conducted at Rocky Point in 2018 helped protect a weather station and provided containment for the Moores Valley fire. Other burning at Pass Hill in 2018 & Giblin River in 2015 appear to have significantly influenced containment of the Dolphin Ridge fire.
- 4.3.11** Due to rapid fuel accumulation and general flammability of buttongrass moorlands it was noted that previous planned burns and fires had limited effect on fire progression in that vegetation type. Analysis is likely to show that previous burnt areas, especially in forest communities, mitigated fire behaviour, with corresponding reduction in fire intensity. This would also reasonably be expected to contribute to further mosaic patchiness in those areas. The Review heard that previous planned burning of button grass plains in vicinity of the Ta Ann plywood mill site at Southwood had provided an opportunity for firefighters to conduct backburning under more favourable conditions and this action may have had a positive effect on the ultimate survival of the mill site.
- 4.3.12** Bushfire planning, preparedness and risk mitigation in Tasmania is informed by fire management agencies using several computer modelling tools including Phoenix RapidFire and SPARK. Another primary modelling tool used by agencies is the Bushfire Risk Assessment Model (BRAM). This tool has been redeveloped in recent years in collaboration with the Antarctic Climate and Ecosystems Co-operative Research Centre and is designed to be consistent with the National Emergency Risk Assessment Guidelines.

- 4.3.13** BRAM has been updated and refined since the 2016 fires, including the addition of cultural and heritage values. The model includes a wide range of stakeholder interests and values and there is a strong commitment by the Parks and Wildlife Service to keep refining the model, noting its major shortfall is the quality of available data. The Review Team acknowledged the substantial effort and investment to develop the BRAM to its current form. On-going work and investment to realise further improvements to the model are encouraged and supported.
- 4.3.14** It was reported that ownership and governance of the BRAM currently rests with the Parks and Wildlife Service. For maximum benefit and impact, the model requires multi-agency involvement. Within the limits of data security and integrity, it should be readily accessible for input and export of relevant data by relevant agencies and stakeholders.
- 4.3.15** We noted the now well-established Planned Burning Operational Guidelines used by the Tasmanian fire agencies to inform their fire management programs. Such guidelines provide parameters to meet specified objectives and outcomes and are acknowledged as a best practice approach. We were advised an update has been undertaken since originally prepared and such periodic reviews are important to reflect emerging knowledge and evolving conditions.
- 4.3.16** Conservation group representatives we spoke to acknowledged the role of planned burning to maintain healthy ecosystems. They expressed a desire to strengthen engagement with fire agencies to better understand values assessment, risk models and proactive burning practices. The Review was told that conservation groups recognised efforts from the PWS to improve information during these fire events compared to previous fires. They would have preferred more frequent updates but appreciated the significant nature of these fires and that the attention of fire agencies was rightly on tackling the fires.



Prescribed burning, Orford (credit: Deb Sparkes)

- 4.3.17** Public submissions received by the Review indicate some people, especially those in rural areas or experienced in land management, believe more fuel reduction planned burning should be undertaken to mitigate against large bushfires.
- 4.3.18** A number of people made observations that some common factors have contributed to a reduction in rural fire management activity and capacity in recent decades. Reasoning for this is complex however it is recognised there are several key contributing factors. These include significant changes to land management practices and changing workforces that have resulted in a reduction of experienced rural and forest fire managers. The associated loss of cultural knowledge and experience has led to reduced capacity and capability to undertake fire management activities.
- 4.3.19** The review team heard about restrictions on planned burning due to smoke management requirements associated with air shed pollution mitigation in the Greater Hobart and Derwent Valley areas and potential wine grape taint in the viticulture industry. No evidence was presented to suggest smoke management restrictions curtailed any planned burning that would have influenced this fire event. However, as windows of opportunity for planned burning are expected to narrow as land use practices and climate continue to change, these restrictions may present an increasing impediment to future planned burning.
- 4.3.20** Some submissions made to the Review stated that applications for planned burning on private land have been rejected due to fire sensitive vegetation or wildlife species. Some of these areas were reported to have subsequently been severely burnt during the recent bushfires. Others suggested that increased governance and administrative requirements may be impacting fire management activity, while acknowledging the associated risks. We encountered a belief that there is an unnecessary amount of bureaucracy associated with the planned burning process and administrative 'red tape' has resulted in lengthy and resource-intensive processes to support fuel management outcomes.
- 4.3.21** It is beyond doubt that attitudes to burning have changed over time, and it comes as no surprise to us to hear that there are greater restrictions in place than previously. Unfortunately, the history of escapes from fuel reduction burns in recent history (and in mentioning that it would be wrong to ignore the circumstances of the Black Tuesday fires in 1967 in Tasmania) demonstrates clearly that fuel reduction burning can be a high-risk business and we would not think it appropriate to make any recommendation relaxing current rules and regulations around burning.
- 4.3.22** What we can say is that fuel reduction burning by private landowners is potentially a valuable contribution to risk reduction in the State, alongside that conducted by government agencies. We would therefore encourage TFS and PWS in particular to consider how they are able to work closely with private landowners in order to support responsible burning practices on private land as part of the Statewide effort to manage risk, and also to look at current processes around obtaining permits to burn so as not to place any unnecessary obstacles in the way of private landowners who wish to conduct fuel management burns on their own land in a responsible manner.
- 4.3.23** The Review heard that there were occasionally competing priorities to conduct planned burning. This primarily relates to PWS staff being redirected from landscape 'conservation' burning to undertaking identified priority planned burns under the State Fuel Reduction program. This includes carrying out burning on private property. While the primacy of that program is not questioned, consideration should be given as to the extent of any opportunities lost by PWS to undertake larger burns that provide significant mitigation outcomes in the broader landscape. It is noted however that PWS has employed five key staff to support fire management in the TWWHA since 2016 and that program is only just reaching its potential.
- 4.3.24** The Review was advised that TFS has recently established a new position to help manage and mitigate prioritisation challenges associated with the Fuel Reduction Program and commend efforts to maximise planned burning across all programs in available windows.
- 4.3.25** With consideration of Tasmania's future climate outlook we flag that there may be a shortfall in current PWS capacity to undertake the extent of planned burning desired or required across national parks and its other estate while striving to resource priorities under the State program. As previously noted, windows of opportunity for planned burning in Tasmania are heavily constrained by a range of natural and human factors. Fuel management programs need to take into account the 'opportunity cost' associated with not completing planned burns and the impact risks of extreme bushfire events.



- 4.3.26** While the Review does not consider it appropriate to make suggestions in relation to specific numbers of personnel that should be employed in this work, we note that prescribed burning is a particular skill set and includes the ability to appropriately measure risk and be able to balance the need for public safety against the importance of not being too risk-averse such that good opportunities to conduct prescribed burns are missed. For these reasons, having an adequate workforce specifically trained in fuel reduction burning and associated risk management is a requirement for the State. We take the view that it is a matter for PWS to identify if it has adequate resources with the relevant skill sets available to it, and make budgetary submissions accordingly.
- 4.3.27** Reflecting on comments made to the Review and drawing on the experience from other jurisdictions, planned burning plays a number of important roles beyond fuel and land management functions and sustaining ecological processes. In the Tasmanian context, where major bushfire seasons have been intermittent, it provides valuable training and development opportunities and builds capacity and capability among paid and volunteer firefighters alike. This establishes a state of readiness across seasons with the available cohort of firefighters.
- 4.3.28** Planned burning and other fire management activities also provide important rural extension and community outreach opportunities. Fire agency staff and volunteers are widely respected and primarily interact during incidents or under emergency response conditions. Having the broader community experience fire management activity in the landscape under moderate conditions helps establish awareness of the importance of active fire management and build familiarity and appreciation of the associated physical, psychological and environmental effects. From planning through to implementation, planned burning and other fuel management activities are ideal times to build relationships within and between the fire agencies, their volunteers and the wider community.
- 4.3.29** The Review team had the opportunity to travel through fire-affected areas in the south of the State and our observations led us to have some concerns about township level fuel management. We saw a number of examples of properties and communities that would be very hard to defend in adverse conditions. We consider that greater focus needs to take place on township protection planning and fuel management, and responsibility for this needs to be clear at a local level. We are of the view that this presents a significant future risk to life and property in the State of Tasmania. We therefore recommend early and robust policy-level consideration of who is responsible for planning for and carrying out, or enforcing, fuel management at a township level. If this is unclear or ineffective, consideration should be given to making this a statutory responsibility of TFS.

### Recommendation 3

TFS should initiate a policy review (seeking support from government as appropriate) to clearly identify what body or agency is responsible for planning, carrying out and enforcing fuel management on private property at a township level. If current arrangements are unclear or ineffective, TFS should request government to consider making this a statutory responsibility of TFS and provide any additional funding required to support this function.

- 4.3.30** We also make a broader recommendation in relation to current fuel management programs in Tasmania, which acknowledges current efforts to maintain a fuel management program that takes into account different risks, objectives and communities, and encourages that direction of travel to be maintained collaboratively into the future.

### Recommendation 4

TFS, PWS and STT should work with government and each other to continue to pursue a whole-of-state fuel management and burning program that encompasses all land tenures, meets the range of outcomes required by the state (township protection, risk reduction and landscape-scale burns) and is inclusive of private landholders and local communities as well as all fire agencies.



- 4.4.2** Tasmania's command, control and coordination (C3) arrangements were once again seriously tested over a number of months this summer. Associated operations, structures and facilities with attendant resources and personnel were rapidly escalated in scale and scope from late December 2018 and only wound down in late March 2019. The fires involved practically every government agency, a range of non-government agencies, volunteers from far and wide, supported through a very substantial deployment of interstate and New Zealand assistance.
- 4.4.3** The policy, systems and processes in support of such complex and large emergency management operations have been tested, and extensively scrutinised, in recent times: after the 2013 bushfires and post 2016 bushfires, as well as the 2016 floods. As a result, Tasmania has continuously improved how it operates in the lead up to, and during such trying times. The Review heard that there was a real desire to keep learning and improving – this 'peer' review is evidence of that approach. That said, there are observations that the Review can make that can provide the impetus to improve how major, multi-tenure bushfires can be better overseen and managed across the many organisations and individuals that must (of necessity due to statute or policy) take an interest in the best outcomes for their part of the picture and for the State as a whole.
- 4.4.4** Firefighting of the scale and scope experienced in Tasmania in 2019 is a serious, expensive and complex undertaking. The tasks of coordinating, controlling, and within organisations commanding this effort cannot be carried out lightly. There is much at stake and those in charge carry a heavy burden on behalf of the community.
- 4.4.5** The Review heard, almost without exception, high praise for the efforts of firefighters and volunteers on the ground. Naturally, after such a vastly impactful event, the review has heard and read much about how well, or not, management and leadership worked – essentially C3 arrangements. As mentioned earlier in the report, this review will not address tactical operational issues that arose, leaving such matters to the many organisational post-incident reviews.

#### ***State-level management***

- 4.4.6** It is evident that the TFS took a primary role in state-wide fire management this year, the TFS having been established as the lead fire agency through the Interagency Fire Management Protocol ('the Protocol') made between the three fire agencies. The SOC was the focal point for state-level decision making and structures were established in keeping with this function. Though this does not differ markedly from 2016, there have been some subtle changes that affected collaboration and communication across and within agencies.
- 4.4.7** It was evident to us that there had been a long history of cooperative arrangements in place that have worked reasonably well in the past. Evidence of this is apparent in the Protocol, that sets out bushfire response arrangements, including responsibilities and contacts. One of the key features of the Protocol is the Multi-Agency Coordination (MAC) Group, comprising senior representatives of the three primary fire agencies – TFS, PWS and STT. The review heard that the MAC Group had proved its worth since its inception some years ago as a result of learnings from Tasmanian personnel deploying to the USA where similar groups are established. In contrast to reports from 2016, when the MAC Group had generally been assessed as working well, some felt that the group was not effective to the extent that at least one respondent was under the impression that it had been disbanded.
- 4.4.8** We found that state-level strategic decision-making and resource allocation was not always as clear cut and cooperative or integrated as it could have been. The TFS took a lead role at most times, with foremost regard for the primacy of life. However, it was apparent that there was not always a joint understanding of the situation and all of the values and interests involved between TFS, PWS and STT staff. Naturally, agencies differ in statutory responsibilities and therefore values emphasis. The Protocol was intended to resolve this, but based on the information gathered by the Review there are significantly differing perspectives on whether this was achieved in 2019.
- 4.4.9** There is no doubt that resourcing across multiple demands and agencies is very challenging. The original intent of the MAC Group was to provide a decision-making environment in which the different priorities at play could be addressed and a common approach agreed. The challenge in 2019 appears to have been that the MAC Group was not formed of executive decision-makers and so the discussions and conclusions reached within that Group then had to be processed through another tier of decision-making at SOC level before being turned into operational outcomes on the ground.

- 4.4.10** It was clear to the Review team that the TFS has, with all the right intentions and with the agreement of the other agencies, taken a leadership stance concerning all fires state-wide under the Protocol. However, and noting the observation concerning the status of the MAC group above, we concluded that the recent incremental shift by TFS to lead in fire Statewide is not consistently applied. For example, as discussed above, during the early stages of the Riveaux Rd fire, we did not get the impression that the TFS took an active interest in matters, rather leaving it to the land managers to sort out.
- 4.4.11** It is our view that the Protocol is no longer operating as was intended. Though designed and implemented with the best of intentions, to provide for an integrated and agreed interagency framework for bushfire response, it is now dated and in need of renewal. Though action can be taken in the short term to improve the Protocol, legislation should also be updated to better underpin operational doctrine.
- 4.4.12** The *Fire Services Act 1979* is currently the subject of a review being undertaken by a government appointed steering committee, chaired by an independent chair Mr Mike Blake. While there will be a number of different perspectives brought to that review, we offer some suggestions about how the legislative framework could look, based on our observations of how the system worked in practice this year:
- The current approach where each of TFS, PWS and STT have authority (and accountability) to manage fire on their respective tenures should continue. The way in which land managers use fire differs in marked respects from the way in which a fire suppression agency such as TFS will do so, for example in the use of fire as an ecological tool and promoting biodiversity. As there will be experienced fire managers in each agency, it makes sense for them to continue to undertake suppression activities on unwanted fires within their tenure.
  - The system needs however to be scalable and there comes a point where there should be a single point of accountability for significant unwanted fires burning in Tasmania (this excludes planned burns, to which different considerations apply). While it is reasonable to expect agencies such as PWS and STT to be responsible, so far as they can, for fires burning on their tenure and that do not threaten to spread into another tenure, there is a need to manage significant fires on behalf of the State when individual agencies are unable to manage them effectively whether through resource constraints or otherwise.
  - The TFS should be given this overarching responsibility, and should be given powers to declare a significant fire, or complex of fires, that then come under the direct control of the Chief Officer. To be clear, it should be the responsibility of TFS to identify and declare such fires, and while there should be a statutory obligation of cooperation on other agencies, it should be explicit that TFS is accountable for the management of significant unwanted fires in the state.
  - It is a complicating factor that TFS, PWS and STT have different statutory objectives. If TFS is given overall responsibility for managing major fires in Tasmania, it should also be made clear that they are accountable, in doing so, for preserving not only life and property, but preserving environmental values and timber production assets. This should be made explicit in legislation, and a mechanism should be included, even after TFS has declared a fire to be significant and therefore under TFS control, for PWS and STT to be able to make formal representations about the objectives of concern to them, that TFS would have a statutory duty to have regard to.

We understand that the process of consulting on, and then drafting and passing, replacement legislation may not be concluded before the next fire season. With that in mind, we consider that Tasmanian fire agencies should agree on an updated version of the Protocol that will address some of the areas in which it was found wanting this year. Specifically:

- The current concept of having regional IMTs led by TFS appears to work well and should be continued.
- State-level liaison during significant fires needs to be carried out between executive decision-makers – this will in practice require the functional heads of TFS, PWS and STT to talk on a regular basis and to issue joint direction to incident managers about objectives and priorities. We felt it to be a weakness that MAC Group membership had effectively been delegated to individuals who were not the decision-makers in their agency, so that the MAC Group was not making decisions but was developing proposals that had to be implemented (or not) through the SOC.
- While there needs ultimately to be one point of control for State fire management – the principle of Unity of Command – we think that this control needs to be exercised explicitly with the aim of reaching consensus between agencies and meeting all stakeholders' statutory objectives – the principle of Unified Command.
- It may require some discussion out of season about how financial issues are to be reconciled; but if one agency sees a need for a particular resourcing level to meet its objectives and is prepared to be accountable for the relevant costs, then we think that that should be given effect. If some of those resources then need to be diverted to other priorities, then they should be backfilled. This is consistent with the principle that all agencies' objectives need to be respected as part of a Unified Command ethos, and adequately resourced.



An IMT briefing during the 2019 fires (credit: TFS)

#### Recommendation 5

TFS, PWS and STT agree an updated version of the Interagency Fire Management Protocol which maintains the principle that there will be one state-wide point of command for major unwanted fires burning in the State of Tasmania, explicitly recognises the right of each of TFS, PWS and STT to have their objectives prioritised in incident action planning and adequate resources applied to those objectives, and provides a mechanism for executive decision-makers from TFS, PWS and STT to come together and agree objectives and resourcing levels that will then be operationalised by whole-of-State control structures.

- 4.4.13** In terms of state-level liaison with emergency management, support and infrastructure organisations, the Review noted that emergency management and partner agencies were kept well informed and included in decision-making when required. For example, TasNetworks were particularly pleased with their interaction with senior TFS personnel at the SOC and the regard for their technical advice. The Review did hear that the broader emergency management arrangements involving police and other agencies may not be as widely understood as they should be. We saw many well thought out documents concerning emergency coordination and in particular recovery transition. There was a sense that more could be done to familiarise (or perhaps re-familiarise) fire, land management and local government staff concerning these arrangements.
- 4.4.14** This report would not be complete without commentary concerning the configuration and capacity of the existing SOC. Located in the TFS headquarters, the core of the SOC is one board room with the usual array of displays, computers and communications devices in open plan with little separation. Overflow is by way of expansion into otherwise fully utilised office space and meeting rooms throughout the building. The same building houses the TFS 000 communications centre ('Firecom') and the Hobart fire station.
- 4.4.15** During the fires, the review heard of the PWS setting up a dedicated natural and cultural values planning cell within their head office building located elsewhere in the Hobart CBD. The Police and the many support organisations were accommodated in the SOC on an as-needs basis. Little established or dedicated capacity sufficient to meet the needs of senior liaison officers from these organisations existed. Compared with most other mainland fire and emergency services, the TFS's SOC facility is, in the Review's opinion, somewhat dated and barely adequate to the task. If the TFS is to be accountable for all unplanned fire in Tasmania, and be able to properly accommodate and integrate the needs of partner agencies such as PWS during times of crisis, the facility will need to be substantially reconfigured and expanded.



### *State, Regional and local level coordination*

- 4.4.16** The review heard many stories of how well the TFS (and their volunteers), PWS, STT and local governments worked well together as one at the regional and local level. As one PWS commentator noted: "I was representing a combined firefighting force; agency was secondary".
- 4.4.17** We have considered again the question of how the tiered approach of SOC, ROC and IMT works in Tasmania. The 2016 AFAC Review suggested that consideration be given to whether the ROC adds value at a time when level 3 IMTs are stood up and the SOC is in place.
- 4.4.18** Our initial thought was that the ROCs were redundant in such a situation and that the ROC level should be dispensed with where a full level 3 IMT is in place in a Region. This is partly influenced by the current practice that only one level 3 IMT will ever be in place in a Region, and the obvious point that having a ROC as well as a level 3 IMT and a SOC is resource-intensive in a state that has significant resource constraints.
- 4.4.19** In talking to practitioners across Tasmania, however, we were persuaded of the value of having a level of regional oversight, so that the solution may not be as simple as getting rid of that level altogether. We do consider, though, that the following principles need to be borne clearly in mind:
- We offer some professional challenge to the name 'Regional Operations Centre' as perhaps overemphasising the appropriate level of resourcing and structure for this function. We think that a 'Regional Controller', supported by a small executive staff, should suffice.
  - it is important to recognise that the Regional Controller role needs to integrate operations between TFS, PWS and STT, so that it is more than just an agency regional manager role – this could be supported by having other agencies represented on the Regional Controller's executive staff.
  - Where there is a level 3 IMT, the Regional Controller should not compete with it in the operational space. The Regional Controller can oversee and support, but the incident controller should maintain responsibility for operational matters within the incident.
  - Where effectively there is one IMT running all major fires in a region, it is the incident controller, not the Regional Controller, who should be reporting to the State Operations Centre. Incident Controllers must have competent deputies who can take charge of routine business while the IC is carrying out the important function of 'up and out' reporting. It may be appropriate for the Regional Controller to participate in statewide conferencing as well, but not instead of the level 3 incident controllers.
  - The Regional Controller must ensure that they are not duplicating any function being carried out in the IMT or the SOC. There should not, for example, be a regional planning unit and an IMT Planning Section: it should be one or the other. Overall the Regional Controller should have a small cell of people supporting them, not a large structure that sucks resources away from incident management activities.
- 4.4.20** The increased focus on IMTs that we are suggesting will require additional attention to be paid by incident controllers to the importance of local liaison, and communication pathways between the IMT and forward operations points. Recognising that it is not possible for an IMT based in a control centre to provide briefing and direction to front-line operational personnel, forward operations points are often set up at fire stations, staging areas and similar facilities to manage operations in the field. It is critical that IMTs are aware of what forward operations points are active, and to ensure that there is timely and relevant information flow to them in order to ensure that personnel are being briefed correctly and used effectively. It is also important for IMTs to ensure that forward operations points do not become 'mini IMTs' and that they understand their reporting line to the Operations section in the IMT.
- 4.4.21** One area of importance at the local level is that of the use of volunteers. Communities have among their volunteer ranks hugely diverse individuals with many and varied competencies, not to mention intimate knowledge of their local areas. One person (not themselves a volunteer) the Review spoke to said he thought the TFS should be viewed as a volunteer organisation, with paid support. Of course, any statewide organisation such as the TFS must have a network of paid people to provide for day-to-day matters, there may be additional opportunities for more volunteer engagement and involvement in operational leadership and specialisations such as remote area firefighting.
- 4.4.22** We discuss the specific issue of remote area firefighting below: our understanding was that in other areas, particularly the appointment of sector and divisional commanders in the incident management structure, and membership of incident management teams, there is more scope for volunteers to be involved. We were told, correctly or not, that in the Southern Region, TFS volunteers are not appointed to field management roles above the role of strike team leader. While it is important to maintain the principle that overhead managers are trained and experienced in the role, in states such as New South Wales and Victoria it is the norm for volunteers to hold management positions. We can see no reason why Tasmania should be any different.

- 4.4.23** We found that Group Officers (volunteers who manage a Group of volunteer brigades), though legislatively recognised as part of the TFS management structure, had been over time diminished in their command role and had their authority deferred to paid District Officers (we did however see examples of good practice in the way that Group Officers were used to manage resourcing for the ongoing commitment to these fires). Modern incident management practice requires that personnel in management roles such as Sector and Divisional Commander, or who take roles in incident management teams, need formal training in their function. There is, however, no reason that we can discern why this training should not be made available to volunteers so that they can supplement TFS capacity in IMT and field management roles and we think that TFS should identify and publicise pathways for volunteer officers to be qualified and used in this way.
- 4.4.24** The team would like to emphasise that without the phenomenal effort put in by volunteers during these fires, the State would not have been able to manage the work required, nor afford the bill at the end if they had been paid.
- 4.5 TOR 6: The effectiveness of the arrangements in place for requesting and managing interstate and international assistance and the significance of interstate and international assistance in managing the fires**
- 4.5.1** The use of interstate and overseas fire and land management agency personnel and resources provided much needed support during the fires, in keeping with similar practices in 2013 and 2016. Fires of this scale cannot be managed effectively by Tasmania alone. We received considerable positive feedback from local personnel concerning the expertise and enthusiasm of interstate and international fire fighters and managers. In particular, the New Zealand remote area firefighting contingent was highly regarded for their work ethic and professionalism.
- 4.5.2** The exchange of fire fighting, fire management and specialised expertise across jurisdictions provides for surge capacity and access to specialised skills not necessarily readily available locally. Given the largely common operating systems and platforms utilised across the nation (and in New Zealand and North America) and with the increasingly sophisticated and coordinated national resource sharing approach led by AFAC, this is becoming common place.
- 4.5.3** Large numbers of personnel came to Tasmania during the 2018-19 fire season to support a range of functions that are either not available within the State, or became exhausted. Additional resources would have been available from North America if they had been requested, with both the USA and Canada having appropriate management and front-line firefighting resources that they would have been happy to deploy if requested.
- 4.5.4** On considering the actual and potential resources available from Australia, New Zealand and further afield, the Review team concludes that there is no shortage of firefighting resources available to manage events of this nature. Much as it might take some days to mobilise resources from North America, resources from across Australia can usually be made available promptly on request and in numbers perfectly adequate to meet the needs of incident management teams. This comes at a cost to the receiving state, however, and we can understand that decisions to request interstate support always involve an element of cost-benefit analysis.
- 4.5.5** Supporting structures to manage resources similar to those established in 2016 were implemented this year. In 2016 this function was provided by personnel from New South Wales and Victoria: in 2019 it was led by TFS based on the arrangements set up formerly. AFAC played a key coordinating role through its National Resource Sharing Centre (NRSC) and the underpinning inter-jurisdictional agreements in place to which Tasmania is a party.
- 4.5.6** The establishment of an Interagency and International Liaison Unit (IILU) is a critical function, established at the state level – and in this case in the SOC – to undertake, as the name implies, coordination of resource requests and fulfilment from outside the jurisdiction. Personnel to support the IILU and the associated logistics functions at the regional and local level were provided by the fire agencies and also under a whole-of-government personnel arrangement known as the Interoperability program. AFAC provided NRSC liaison officers to the IILU during the fires.
- 4.5.7** Interstate and international resourcing will only run smoothly if a robust framework for raising resource requests within the affected State exists. The Review heard from various people that many resource requests from incident management teams were rejected or not actioned in a timely manner without adequate feedback. Opposing views were heard that some resource requests contained inadequate information to enable them to be actioned, while some incident management team members complained about little or no feedback to resource requests, evolving justification requirements and new processes being introduced during the events that people were unaware of.
- 4.5.8** We heard from some people who considered that delays to resource requests meant last minute decisions were being made despite otherwise good forward planning. Most significantly, resource requests (not knowing when and if they would be actioned) were identified as a risk to undertaking suppression activities.

- 4.5.9** The Review was told of instances of mismatched resourcing in terms of quantum and/or capability, requests being unnecessarily scrutinised, and misplaced. Though one would expect that sometimes – in the ‘fog of war’ – resourcing will not always work optimally, we conclude that there is room for improvement in Tasmania’s resourcing processes. We suggest that TFS (and to the extent necessary, PWS) should work towards a standardised resource management system that allows IMTs to raise resource requests in a standard form, and allows for notification of acceptance or refusal of those requests preferably on the day they are made or at least within 24 hours. Equally, the State Resources Unit should have available to it a process for requesting resources from the regions and receiving a prompt response.
- 4.5.10** Echoing what has already been said about the relative positions of the IMT and the Regional Controller, we think that resource planning – which goes hand in hand with incident action planning – is a function that sits most naturally within the IMT. We see no reason why a standardised resource request, supported by evidence of strategic incident action and resource planning, cannot be made directly to the State Resources Unit during major events. Regional Controllers have a responsibility to manage resources for business as usual and new starts in their region – and would also be responsible for responding to a request for resources to go elsewhere in the State, particularly if their own region was quiet.
- 4.5.11** The IILU becomes a critical function during major incidents and it is important that staff who are assigned to the IILU have had appropriate training in advance, including training in the use of interstate resource request processes and tracking of resources while they are in the State. This is not a role that it is appropriate to assign people in the hope that they can learn on the job – there is a significant body of national doctrine that has to be understood and applied to make the IILU function successfully. We pay tribute to those staff within TFS who were able to make the IILU a success drawing on the learnings of 2016.
- 4.5.12** We were told that a resource management software platform called IRMS (Incident Resource Management System) had been developed by Forestry Tasmania (now STT), and continued to be hosted and supported by them. IRMS did not, however, have buy-in from across all agencies and was not seen by people we spoke to as an answer to the resourcing issues encountered in the 2018-19 season. It was evident to us that spreadsheets of varying formats were being utilised for resource tracking, including adaptations and improvements being invoked on the run, often using the expertise of skilled ‘outsiders’. We consider that it is important that to the extent that software is required to support resource management, it should be common across agencies, and should be up to date: we note that STT has formed a working group to identify a suitable replacement for IRMS and we encourage TFS, PWS and STT to consider how this might fit into an all-of-state resource management system.
- 4.5.13** Along with appropriately skilled, structured and supported resource management cells and units, the policy surrounding their operation needs refinement. A sound set of arrangements that specify business rules, work flows and triggers for varying levels of resourcing, underscored by training and exercising will go a long way to ensure improving the overall incident management system, in particular when assistance from other jurisdictions is likely.
- 4.5.14** Strategic resource planning is an important function in any major event and is particularly important when considering the need to order resources from interstate or internationally, which comes at a substantial cost. It is hard to get right. There will always be a tension between incident management teams not wanting to over-order, which results in expensive resources lying idle, and needing to have sufficient resources to sustain a firefighting effort for what may be several weeks. The Review heard varying accounts of the effectiveness of strategic resource planning over the 2018-19 fire season. We suspect that there is little value in assessing specific issues with the benefit of hindsight, but we are able to draw the following broad conclusions:
- Strategic resource planning is a core function and must not be treated as an afterthought. Personnel need to be working within IMTs to plan not just for the forthcoming shift or two, but with a time horizon of 2-4 weeks out. If Planning staff within IMTs find it hard to find time for this, that is an indication that there is insufficient capacity within the Resources unit. It is possible to request expert support with strategic resource planning from elsewhere in Australia through national arrangements.
  - Resource planners should be sufficiently senior and experienced that they can make a confident assessment of the likely resource needs up to a month out and then be able to get the Incident Controller to approve these in a timely fashion.
  - Identification of future resource requirements by IMTs should be based on a robust options analysis which takes into account not only the technical options available, but the cost of employing different options and the reasons for the favoured option being chosen. As we discuss later in this report, this is not intended to displace the principle that decisions about resourcing should be based on operational need. Including an appreciation of the financial consequences of different options in a forward resourcing plan both highlights the opportunity costs of the chosen option and provides a level of assurance to senior management that resources are being ordered and used appropriately.

- It will always be a matter of judgement for regional and state-level structures as to how much oversight they need to apply to resource requests. If, however, oversight is deemed necessary, then processes must be put in place to allow approvals (or rejections) to be processed quickly. Where resources are being deployed on rotations of as few as five days (as is the case for volunteer firefighting resources) a delay of a day in approving a resource request can have serious knock-on effects for maintaining continuity of resourcing.
- Managers and approvers of strategic resource requests should be unapologetic about identifying proportionate strategic reserve requirements and requesting resources – within reason – that may not be tasked immediately. It is important when doing so, that the resources that are being sent are aware that they are a strategic reserve so that they have an understanding that it may not be possible to task them immediately on arrival.

- 4.5.15** In terms of outside assistance, it was not clear to us that specific cost analysis had supported decision-making about what resources to order from outside the State. For example, the review team did not see evidence that for arduous firefighting crews, the use of teams from NSW on five-day rotations were compared with longer rotations from Canada (at fixed daily cost) in terms of overall cost/benefit. That is not to say that incorrect choices were made, just that the evidence to support those choices is unclear. Similar comparisons across other roles and source capabilities would make for useful benchmarks so that more rigour could be applied to the matching of resources and need.
- 4.5.16** We consider that planning of this nature would be greatly facilitated if the actual costs of bringing in interstate and international resources were identified out of season, and trigger points were identified for requesting different types of resource. This would give added confidence to decision-makers in Tasmania that they were requesting outside assistance in the most appropriate and cost-effective manner, and would also support interstate and international partners to understand at what point they should consider readying resources in anticipation of a possible request.
- 4.5.17** In terms of on-ground deployment of resources the Review heard of instances where some teams (such as remote area firefighters) were redeployed to roles other than their primary purpose. It was explained to us that on days when tasking was not available to these resources (for example, where current or forecast weather conditions did not allow insertion to remote areas by helicopter) they were used in other roles such as tanker-based firefighting rather than being left untasked. Though this may be less than perfect, we understand and reinforce the need to be agile in these circumstances provided the rationale for re-direction is explained and the new work is purposeful.
- 4.5.18** A commendable feature of the Tasmania public sector is the Interoperability Program managed by the Department of Premier and Cabinet (DPAC). This program provides for a whole-of-government approach to personnel support to emergency management. Public servants are supported by their home agency to be assigned suitable support roles during emergency operations such as logistics or administration. The home agency continues to pay the base salary, while the beneficiary agency (in this case TFS) meets extraordinary costs such as overtime and accommodation.
- 4.5.19** The inquiry saw evidence of this working very well to fill needs of a general nature across incident management teams, regional and state centres. We did however hear of times when the skills of the support person were not ideally matched to the need. It is evident that key positions within the ILLU and logistics function benefit from those with the training and experience in the roles needed. This is particularly important for the ILLU manager – this is a critical role that requires specific competence in fire and emergency management/resource allocation.
- 4.5.20** The Review heard from many committed individuals from the State level. It was apparent – in keeping with the interoperability program mentioned earlier – that the emergency management sector, possibly led by the TFS and SES, needs to identify, encourage and support capable individuals to fill the many roles that will be required during a ‘campaign’ emergency event. Training needs to be provided to these individuals, at least in the Australasian Inter-service Incident Management System, to enable them to operate effectively in the emergency context. There are many senior roles in the SOC and supporting structures that could be filled by an appropriately managed ‘extended’ interoperability program.

#### **4.6 TOR 7: The use and effectiveness of aviation firefighting resources, in particular, the suitability of aircraft types for the protection of environmental values, forest assets and the rural/urban interface in Tasmania**

- 4.6.1** The Review has received a substantial amount of feedback about the use of aircraft in fighting the fires in Tasmania in the 2018-19 fire season (often referred to as ‘aerial firefighting’). A number of submissions made to us highlighted the tactical benefits of different aircraft types currently available on the market. There has also been significant comment in local and national media about the current and future use of aviation resources. This led the Review team to inquire into this subject in some detail.
- 4.6.2** We recognise that a detailed cost-benefit analysis of individual aircraft or tactics would require extensive discussion of specific operations and their effectiveness, which is not the intent of this Review. Accordingly, we present some discussion of and conclusions around issues related to aerial firefighting, while recognising that there is a deeper level of analysis that could be performed to support budget and operational decision-making in this field.

- 4.6.3** We start that discussion by reflecting that aerial firefighting has the potential to be very expensive. We are not sure whether all who have commented on the use of aerial resources in Tasmania in the 2018-19 season understand how much has been spent. We are advised that a sum in excess of \$40,000,000 was spent on aircraft in Tasmania over the season – which may be compared with the total expenditure of the Tasmania State Fire Commission for the financial year being just under \$96,000,000 in 2017-18<sup>6</sup>. This reflects an extensive use of aircraft, and of course a substantial opportunity cost.
- 4.6.4** Against that background, aviation resources enable a whole suite of activities that would otherwise be difficult or impossible. Aircraft have been used extensively in the 2018-19 fire season to identify new fire starts after lightning storms; to mount rapid first attack on fires using water and gel; to lay retardant lines intended to slow the advance of a fire to allow for it to be controlled from the ground; to acquire intelligence about fire spread and hot spots; and to insert and extract remote area fire crews to undertake that ground attack.
- 4.6.5** Tasmania participates in national arrangements coordinated by the National Aerial Firefighting Centre for the contracting and sharing of aircraft. Before the fire season, states (including Tasmania) contract a given number of aircraft to be available for the season, and also enter into arrangements for a ‘reserve’ fleet of ‘call when needed’ aircraft to be available for surge capacity. The seasonal contracts are expensive to maintain and must be paid for whether or not there is a significant level of fire activity, and represent a core fleet of resources. The call when needed contracts do not cost money if they are not used; but are much more expensive per hour than the seasonal contracts if they do have to be used.
- 4.6.6** The national arrangements mean that it may be possible for one state to ‘borrow’ an aircraft from another, if the other state is not using it. This happened in the 2018-19 season in Tasmania, notably in relation to the use of Large Air Tankers from Victoria and New South Wales, and aerial intelligence gathering aircraft.
- 4.6.7** Many different types of aircraft were used in Tasmania over the 2018-19 season. Helicopters were used both for water bombing and crew insertion; and a range of helicopter types were used including the Erikson Airplane Type 1 helicopters. Fixed wing aircraft were used for reconnaissance, water bombing, and laying of retardant line, and the fleet included scooping ‘Fire Boss’ aircraft (that can fill their tanks by skimming from an open body of water) and Large Air Tankers with a 15,000L capacity. Each of these different types of aircraft may be viewed as a tool in a toolkit, and discussion of how aircraft are used in a given context should be accompanied by an understanding of the cost of that, and what the alternatives are. We return to this theme below.
- 4.6.8** The Review received a number of public submissions discussing the use of aerial firefighting in Tasmania both this year and in previous years. Some of these submissions referred to the use of specific aircraft types; others to the use of aviation firefighting more generally. We also spoke to the National Aerial Firefighting Centre in the course of the Review, and met with individuals responsible for the allocation and deployment of aerial resources in Tasmania during the 2018-19 fire season. We can say with a high degree of confidence that aerial firefighting is a very well-understood tactic in Tasmania and in Australia more broadly, and that State and National bodies have a comprehensive knowledge of the resources available worldwide and decades of experience in Australian conditions of what works best.
- 4.6.9** We think that it will assist the reader to a better understanding of our conclusions, and of the broader considerations in deploying aircraft, if we identify some of the key points to be taken into account. Each of these points is, in our view, generally accepted by expert professional opinion in the industry and could be demonstrated by referring to detailed evidence if required. We have not sought, in the context of this report, to collect and lay out that evidence as this would be a disproportionately lengthy exercise; but we think that anyone wishing to do so could readily assemble a body of evidence to support the following statements.
- Aerial resources will not necessarily put the fire out. Water bombing can be a very effective first attack strategy, but for fires burning in organic soils or under tree canopies – as will often be the case after a lightning strike – intervention by ground crews will be required to extinguish the fire.
  - Equally, there is no guarantee that even intensive water bombing will suppress a fire burning in unfavourable weather conditions.
  - There are some meteorological conditions under which aircraft will be unable to fly. Examples are in low cloud and poor visibility – which conditions may exist in the period after a dry lightning event – and in high wind conditions – which may occur on the days of highest fire danger.
  - The time of day will also be relevant – although night flying trials have taken place with helicopters in Victoria, night operations carry additional risks and are not a universally accepted tactic across the global aerial firefighting community. We note the potential for fires to be started by lightning towards the end of daylight or even overnight, which may have grown to a significant size by the time air attack becomes practical.

6 State Fire Commission Annual Report 2017-18, p46



- A larger aircraft will not necessarily give a better result when undertaking fire attack. The Large and Very Large Air Tankers that are available in Australia are typically used for dropping water, gel or retardant in a line to deal with an extended fire edge or to provide a control line for ground crews to work off. But for precision application of water or gel to a particular part of a fire, a helicopter may be a better choice.
- There will be a limit to the number of aircraft you can have working on a fire due to air traffic control issues, and using aircraft such as the Large Air Tanker may prevent smaller aircraft from using the same airspace at the same time.

**4.6.10** For all these reasons, policymakers need to be careful about assuming that aircraft are the answer to all fire suppression needs, or that if only we could have enough aircraft we could extinguish all fires while they are still small. Decisions about the acquisition and use of aircraft need to be made following careful analysis of what they will cost, what effect they are expected to have, and what else could be done with the money. And while it is true that up to a point, more aircraft will mean more fire suppression capacity, there is no amount of aircraft that can prevent large landscape fires from happening.

**4.6.11** Against the background of those general points, we make the following observations about the use of aircraft during the 2018-19 fires.

**4.6.12** A large number of aviation resources were deployed to these fires, as will be apparent from the amount of money spent. We think that Tasmanian fire agencies were well aware of the usefulness of aircraft and were not afraid to spend significant sums on a range of aircraft from small helicopters to Large Air Tankers. Different aircraft were appropriately used in different contexts.

**4.6.13** Given the scale of operations both this fire season and in 2016, we concluded that Tasmanian fire agencies would be best served by a year-round air desk staffed by appropriately qualified and experienced personnel. The individuals who managed the aviation function for Tasmanian fire agencies are to be commended for their contribution: we were led to understand though that the person with lead responsibility for this area had only been in place for eight weeks before the fires started and was not experienced in the role.

**4.6.14** There are a number of opportunities for cost saving in areas such as negotiating contracts when things are quiet, not at the point when aircraft or facilities such as landing and reloading at airports are urgently required. The person who manages the aviation function for Tasmanian fire agencies is (as happened in 2019) potentially responsible for oversight of a \$40 million operation, and in our view should have the training and experience commensurate with that level of responsibility. In our view the establishment of a Tasmanian State Air Desk for fire and emergency management, staffed year-round with specialist staff, should be a priority for Tasmanian fire agencies.

**4.6.15** We wish to clarify that in recommending a State Air Desk, we are not saying that it has to operate in the same way that similar concepts operate in other states. This is about having a year-round dedicated resource with the job of managing Tasmania's aerial firefighting needs. Questions about how this works in practice, how aircraft are ordered in the event of a fire, and so on, are for the Tasmanian fire agencies to agree between themselves.

#### Recommendation 6

TFS, PWS and STT should establish a State Air Desk, to be staffed by specialist staff year-round, with responsibility for managing both preparatory and contractual issues out of season as well as aircraft management when fires or other emergency events are occurring.

**4.6.16** Having a permanent State Air Desk would also potentially address some operational issues that we were made aware of. On one occasion, aircraft that came to Tasmania from the mainland were not fitted with radios compatible with those being used by ground resources. Communication had to take place indirectly through the Air Attack Supervisor. A State Air Desk could anticipate problems like this and come up with workable solutions. A Tasmanian State Air Desk could also be responsible for identifying other areas – such as the retardant mixing facilities suggested below – in which relatively modest investment might enhance Tasmania's capability to sustain aerial firefighting operations.

**4.6.17** Another broader point that was made to us was that there were occasionally unclear lines of control when it came to aircraft allocation and use. It is a feature of the Australasian Inter-service Incident Management System (AIIMS) that incident management teams can have an Air Operations Manager, who is responsible for advising on the tactical use of aircraft. The IMT in turn will seek aviation resources from the State level; but once those resources are allocated to the IMT it is for the IMT to determine how to use them. A Tasmanian State Air Desk could develop and promote consistent doctrine on the ordering and use of aircraft, and could be accountable as the single point of contact for allocating aviation resources to IMTs in response to requests.

- 4.6.18** Aviation specialist roles such as Air Operations Manager were identified in the AFAC report into the 2016 Tasmanian fires as a capability gap; and we were pleased to hear that the recommendations of that report had been acted on in terms of evolving a cohort of trained and experienced specialists in aerial firefighting within Tasmania. We were made aware of the significant assistance given by trained aviation specialists from interstate in 2018-19 and we would encourage Tasmanian fire agencies, particularly TFS, to explore budgetary options to further strengthen their air operations capability through training personnel and where possible, seconding them to interstate agencies to gain experience in the management of air operations.
- 4.6.19** A number of people raised with us the acquisition and use of scooping aircraft that can self-fill from open bodies of water, such as are often seen in television footage working in Europe and Canada. In Tasmania in 2018-19, there were two single engine Fire Boss aircraft working, that have the same ability to self-fill from open bodies of water. These aircraft received a lot of positive feedback from people who worked with them and we understand that they will be contracted again in the future. Other models of aircraft may have greater carrying capacity than the Fire Boss but are significantly more expensive to acquire and maintain. No doubt the use of specific aircraft types will be kept under review by Tasmanian fire agencies, but we are satisfied that the use of scooping aircraft has been considered and appropriately implemented for the present.
- 4.6.20** The use of Large Air Tankers increased significantly in 2018-19 compared with 2016. Incident Management Teams had the knowledge and the confidence to order these resources, and conditions on the Australian mainland made it possible to release them for use in Tasmania. It is a potential capability gap that there is no Large Air Tanker based in Tasmania, but the significant expense of contracting one to be in the State for the entire season is likely to be hard to justify. Conversely, there is no Type 1 large water bombing helicopter such as the Erikson Aircrane contracted to Tasmania, and these machines had to be brought over from the mainland. While again there is a significant cost-benefit analysis to be done, we could see the value in Tasmanian fire agencies looking closely at the value of contracting such a machine for the Tasmanian season to enhance first strike capability.
- 4.6.21** Anecdotally we heard mixed reviews of the use of Large Air Tankers. While they are a powerful tool when it comes to laying long lengths of retardant or gel line, it was clear from practical observations made by personnel on the ground that there were situations in which they were less effective – for example where fires are burning in organic soils, a water drop from a LAT might be of limited use as it does not penetrate the ground far enough. Another problem is that LAT drops require significant backup from ground resources, in most cases. There have been observed incidences of fire burning through a line dropped by a LAT in less than an hour where there were no firefighters on the ground to take advantage of the short-term benefits of the drop.
- 4.6.22** The decision-making processes in terms of LAT use are made more challenging because of the significant cost (tens of thousands of dollars) for each drop, and the question of what else could have been done with the same amount of money. We believe from speaking with people in the Tasmanian fire agencies that they are keenly aware of this issue and want to take it into account in future decision-making. We think that they would be assisted to do so if an ‘at-a-glance’ type checklist could be produced for LAT use based on operational experience – this could be as simple as a one side of A4 listing circumstances in which LAT drops worked well, and circumstances in which the results were deemed unfavourable. This would not be intended to replace the use of judgement by individual incident managers, but could provide a useful point of reference.
- 4.6.23** Another important issue in aerial firefighting is cost control. We say more later in this report about financial management as an indispensable part of incident management, and this issue is highly relevant to aviation where the costs of a single LAT drop, or a day’s flying on a fire, may be significant. As part of the staffing of the State Air Desk recommended above, we think that a finance officer would add substantial value both to the necessary out of season negotiation and contracting activities, and to operational decision-making when it comes to the use of aircraft at fires. This goes beyond being an accountancy function, in our view: having a clear understanding of the financial implications of an operational decision can support options analysis and improve decision-making.

#### Recommendation 6A

The proposed Tasmania State Air Desk should have a finance officer attached to its staff.

- 4.6.24** An operational issue that the Review noted was the lack of retardant mixing facilities in the State of Tasmania. As matters stand, Large Air Tankers have to fly back to Victoria in order to take on loads of retardant (this is not the case for gel, foam or plain water, which can be loaded at Hobart or Launceston). The investment to set up these facilities in Tasmania would be relatively limited, less than \$100,000. We consider that there is a strong case for making this investment following analysis of where the best location would be for siting these facilities.

- 4.6.25** The Review was asked to consider the availability of a winching capability within the Tasmanian aerial fleet. There is one winch-capable aircraft in Tasmania year-round, which is used for search and rescue purposes: as a result it is not available for firefighting. We heard the view expressed that Tasmania needs a capability to winch remote area firefighters into inaccessible terrain so that they can carry out firefighting operations, and also that an additional winch-capable aircraft is required to carry out search and rescue operations specifically for injured firefighters, where they are working in terrain that cannot be reached by road.
- 4.6.26** We heard from a number of people who were anxious to stress the safety implications of winching firefighters into inaccessible terrain. This is likely to be the quickest way of getting ground-based firefighters to very remote fire starts; but there are safety implications around inserting firefighters into terrain that they may need to be winched out of as well. Although the risks associated with winching are acceptable when proper training and procedures are in place, it is not a risk-free activity.
- 4.6.27** In the AFAC report on the 2016 Tasmanian fires a recommendation was made for Tasmania to establish a winch capability for remote area firefighters. Consideration of this proposal by PWS led to the conclusion that this was not supported on a risk-benefit analysis: for the 2018-19 fires, winch capable firefighters were brought in from New South Wales. We have considered the issue afresh and we conclude that we should not make a further recommendation one way or the other, because establishing a winch capability involves a risk assessment and cost-benefit analysis that we think is best deferred to the Tasmanian fire agencies to undertake.
- 4.6.28** We agree with the view expressed in the 2016 report that a winch-capable firefighting force would be a useful tool to be available to Tasmanian fire agencies. The creation of such a force must be understood as being a program-level ongoing commitment requiring investment to train and skills maintain suitable personnel. The acquisition of appropriate numbers of winch-capable aircraft is also a potential financial burden that Tasmanian fire agencies will have to consider in its calculations. While overall we understand how such a capability could fit into Tasmanian firefighting efforts, we think that judgements of this nature, based as they are on finance and risk, are best made by the agencies in question.
- 4.6.29** The question of additional winch-capable search and rescue capability is a separate one, and we can see the force of the argument that only having one winch-capable aircraft in Tasmania for search and rescue operations when there are dozens of firefighters working in locations inaccessible by road requires careful risk analysis. We think that Tasmanian fire agencies should have a standing medical evacuation plan for all personnel working in remote areas and this plan should include commentary on how patients are to be extracted from inaccessible locations in the event of a serious injury or medical event, particularly if the year-round search and rescue aircraft was unavailable or on another call.

#### Recommendation 7

TFS, PWS and STT should jointly reach a decision on whether a winch capable remote area firefighting capability should be maintained in Tasmania; which agency or agencies should be responsible for that program; and how a winch capable remote area firefighting capability can be safely trained and kept current, to include consideration of the availability of winching aircraft. If the decision is taken not to maintain this capability in the state, TFS, PWS and STT should identify how the gap in capability that this represents should be filled in future fire seasons.

- 4.6.30** Our overall conclusion on the use of aviation firefighting in the 2018-19 season is that both locally and nationally, there is a high level of expertise available to select and deploy appropriate aircraft for firefighting in Tasmania. Where choices have been made about the deployment of particular aircraft types, we consider that these have been made based on a sensible cost benefit analysis and we do not think that there is any particular aircraft or aircraft type that has been overlooked or is not known about.
- 4.6.31** It is true to say that more money could be spent on aerial firefighting than was spent in 2018-19 – although the significant bill that was incurred should not be underestimated. We can see the logic in individual suggestions such as the permanent basing of a Type 1 (Airplane or similar) helicopter in Tasmania so that its superior water-carrying capability would be immediately available in the case of fires breaking out, instead of having to come from the mainland. Other suggestions that were made to us were potentially much more costly and included proposals for the acquisition of substantial fleets of expensive aircraft.



- 4.6.32** We do not think that it is our function as a Review to recommend specific levels of spending or contracting of aircraft. The underlying principle is in our view clear, that there is always scope to spend more money on different types of aircraft and as 'tools in the toolkit' they can generally be used to support fire suppression activities. But equally, the acquisition of yet more and more aircraft is likely to offer diminishing returns, can never be guaranteed to prevent the start or spread of large landscape fires, and what is more would inevitably lead to years of low fire activity in which tens of millions of dollars' worth of equipment was lying idle.
- 4.6.33** We suggest that future decisions about acquisition and deployment of aircraft should be clearly justified with reference to the principles discussed above. We encourage Tasmanian fire agencies to identify aircraft that they consider could be used to good effect and in a cost-effective way, and to ensure that there is an ongoing discussion with government about the availability of budgets to acquire and maintain an adequate aircraft fleet. Specific decisions about these are, however, beyond the scope of this Review.

#### **4.7 TOR 8: Any other matter that the Review team identifies in the course of its activities as warranting discussion**

##### *Safety*

- 4.7.1** Safety, both of firefighters and members of the community, is a key consideration for emergency management agencies. Of course the protection and preservation of life is the principal objective of hazard management activities, but those activities themselves need to be safe. The Review team accordingly considered the safety record of Tasmanian fire agencies over the 2018-19 bushfire season.
- 4.7.2** The following safety incidents were reported in relation to personnel combatting the 2018-19 bushfires:

Contractors	9
Interstate/Overseas Support Agencies	17
PWS	52
SES	1
STT	16
Tas Helicopters	1
TFS	56
Unknown	4
<b>TOTAL</b>	<b>156</b>

This total represents 114 accidents, injuries or illnesses; 24 hazards and 18 near misses. Of the injuries or illnesses reported by TFS, 12 have resulted in workers compensation claims, and a further ten workers compensation claims have been made by PWS personnel. While any safety incident is a matter of concern and agencies should always aim for zero safety incidents in the course of their operations, the Review team considers that the above statistics are commendable given the numbers of personnel fighting the fires and the challenging conditions in which many of them had to work.

- 4.7.3** The Review noted that a strategic safety advisor was appointed to work from the SOC in Hobart to coordinate safety management activities. We heard also of some difficulties in ensuring that safety officers were working in all IMTs that managed events across the season, including challenges arising from the limited numbers of locally qualified personnel. TFS, PWS and STT should ensure that they prioritise the appointment of safety advisors at any event where an IMT has been established, whether at level 2 or level 3 and regardless of the control agency. A training needs analysis may help to establish whether additional personnel should receive the training required to operate as safety advisor in an IMT.
- 4.7.4** One area in which we think that Tasmanian fire agencies need to review their current practices is in fatigue management. Fatigue is recognised as a safety issue for emergency management personnel. It is an issue not just for personnel on the fireline, who are at greater risk of physical accident or injury if they are fatigued. It is an issue for incident, regional and state control personnel as well, because fatigue can not only compromise effective decision-making – and hence the safety of others – but it risks the physical and mental health of the individuals who become fatigued. We do not think that it is acceptable to implement controls over the length of time and number of consecutive shifts that front line personnel can work but allow senior staff, up to and including the level of Chief Officer, to work long hours for weeks on end without a break.

## Recommendation 8

TFS, PWS and STT should jointly carry out work to identify acceptable shift lengths and patterns – including requirements for rest days – for all personnel working on emergency operations. Once these have been identified, systems should be put in place to ensure that HR rostering practices follow these fatigue management guidelines. And senior staff should lead by example and ensure that they, as well as the people working under them, take adequate rest breaks.

### *Leave management*

- 4.7.5** A number of people we spoke to questioned leave arrangements in place in Tasmanian fire agencies, and why individuals had leave planned for peak months of the fire season. We recognise that issues arise such as carer responsibilities around the school holiday period, and it would be inappropriate to be dogmatic about when people can and cannot take leave. We do however consider that there should be a presumption that leave is not scheduled for the months of January and February unless there is a particular reason, such as carer responsibilities, for this to be approved. We observed many occasions on which personnel selflessly returned to work despite having leave approved, and commend their commitment.
- 4.7.6** We also heard feedback about the number of staff available between Christmas and the New Year. While many office-based organisations see this period as suitable for a ‘close-down’ or skeleton staff, we think that this is not an appropriate expectation for a fire management agency and we suggest that managers across the Tasmanian fire agencies should plan to ensure the availability of a full complement of staff at this time of year. Of course, if weather conditions are moderate and there is no fire activity, on the spot decisions can be taken about permitting leave in the light of known weather conditions.

### *Finance*

- 4.7.7** The 2018-19 fire season in Tasmania has been very expensive in terms of the sums spent on fire suppression activities. While final figures are not yet available, they are likely to be similar to the sum in the region of \$60,000,000 that was spent in 2016-17. This is nearly two thirds of the entire budget for the State Fire Commission for the year. While these sums are not met out of that budget – they are paid either by a special appropriation from State funds, or through support from the Australian government – they represent a significant financial item in the State’s budget.
- 4.7.8** The Review team was keen to understand how this was approached by the Tasmanian fire agencies in terms of financial management, procurement rules, and so on. We often asked the question of people we interviewed ‘if you had been asked at any given time during the fires to say what you had spent, would you have been able to?’ With one exception, the answer was ‘no’.
- 4.7.9** We should say that this is not an issue unique to Tasmania. We suspect that a similar response would be obtained from agencies in other jurisdictions that managed major emergency events this year. There has often been an attitude that in an emergency, agencies spend what they need to spend, and the accounting can be done afterwards. We do not, however, think that this is a sustainable approach for the sector in Australia into the future.
- 4.7.10** Emergency management agencies spend public money, and they are accountable for doing so no less in an emergency than they are at other times. If money needs to be spent of course it should be spent. But we cannot see how it is sustainable for money to be spent with no one keeping track of how much, and on what, in anything like real time.
- 4.7.11** Proper financial management is not only valuable to understand the level of budgetary commitment at a given time; it also supports incident control decision making. Choosing between two possible suppression options may be supported by an understanding of their respective cost which in turn reveals what other possibilities are being foregone by choosing an option. Money spent on valueless options is money that can’t be spent on other more effective activities.
- 4.7.12** Both in relation to aerial firefighting and the use of interstate and international resources, we found little evidence that decisions were being taken on the basis of robust financial and budgetary advice. That is not to say that decision-makers were not concerned about budgets, and we heard that resource requests from IMTs to State Resourcing were required to be supported with justification for them, indicating that there was no intent to provide a blank cheque for firefighting. The point is that the justification was not supported by numbers, and we could not identify that options analysis (for example, use Tasmanian resources on overtime, use interstate resources, or use international resources) was being supported by credible cost figures.

- 4.7.13** In our view, Tasmania is well-placed to take a lead on this important issue in Australia. The Interoperability Register may be able to support personnel skilled in financial control to be seconded to Tasmanian fire agencies during periods of increased activity, to provide advice to decision-makers on real time budgets, and the financial implications of choices. We emphasise – as comment of this nature can often be misunderstood – that the role of finance officers is not to prevent necessary decisions from being taken, or to interfere with operational decision-making. We think that it can only enhance the management of incidents and emergencies if the people tasked with making decisions are supported with information about what they are spending and what different options might cost.

#### ***Traffic management points***

- 4.7.14** A number of people who made public submissions to the Review raised the issue of traffic management points and road closures. For public safety reasons, it is standard practice across Australasia and beyond to limit public access to areas in which a bushfire is burning, has burned, or is threatened. The challenge arises in relation to people who live within the boundaries of the restricted area and, while they are not subject to compulsory evacuation, may nonetheless be denied re-entry to the area if they leave.
- 4.7.15** This is not a simple issue to manage, because authorities responsible for setting up and then managing access restrictions would rightly be severely criticised if members of the public were injured or killed because they had been allowed into an unsafe area. We also recognise that because it is Tasmania Police that controls access, their actions in doing so are outside the scope of this Review. The consistent feedback we have received on this issue does, however, lead us to conclude that the Tasmanian fire agencies should seek discussions with Tasmania Police in order to ensure that there is clarity around what areas are too dangerous for anyone to be in; what areas need to have restricted access but it may be appropriate for residents to be allowed in and out, and what areas do not need to be restricted. The fire agencies then need to be prepared to commit resource to a regular – we suggest, daily – review of the boundaries of these areas and to notify police accordingly so that restrictions can be minimised.
- 4.7.16** We note that this issue has been a frequent theme in post-incident reviews elsewhere in Australia, and other jurisdictions have developed traffic management protocols as a result (Victoria is just one example). We would suggest that Tasmanian fire agencies could usefully do an analysis of what already exists in this space and consider its applicability to Tasmania.

#### ***Private firefighting resources***

- 4.7.17** We received feedback in the course of public submissions to the Review about the utilisation, or lack of it, of private firefighting units in suppression activities. This term may refer to an individual trailer pump or slip-on unit owned by a farmer, to more extensive trained and equipped resources owned, for example, by a private forestry company.
- 4.7.18** No permission, of course, is required for someone to fight a fire on their own land with whatever means are available to them (the question of lighting fuel reduction or backburns on private land is a different one and is already regulated by law). It was suggested to us however that private units could be used more widely, and restrictions on vehicular movements in fire-affected areas should not apply to private firefighting resources.
- 4.7.19** We recognise that private firefighting units may be a very important resource in rural areas, and this is recognised in other jurisdictions by the formation of primary producer brigades, industry brigades, or by the issuing of public guidance such as the Victorian Country Fire Authority's *Guidelines for Operating Private Equipment at Fires*<sup>7</sup>. We note that TFS does not have similar published guidance and we think that some could usefully be developed.

#### ***Facilities***

- 4.7.20** An issue that was raised with us on a number of occasions was the availability of facilities for State, Regional and incident management teams. We visited the IMT at Cambridge while it was in operation, and had the opportunity to see for ourselves how the physical facilities were arranged there; we also visited the State Operations Centre in Hobart and the Northern Regional Operations Centre at Youngtown.
- 4.7.21** Good operational facilities underpin good emergency management. One key point is that co-locating teams in one place can greatly ease information flow: being able to speak to a person or team who is located in the same place as you is much easier than having to try to track them down by phone or email, particularly at busy times.

7 [https://www.cfa.vic.gov.au/documents/20143/71835/2016\\_Private\\_Equipment\\_Guidelines\\_edn2\\_jun16.pdf](https://www.cfa.vic.gov.au/documents/20143/71835/2016_Private_Equipment_Guidelines_edn2_jun16.pdf)

- 4.7.22** A practical example of this is the presence of a TWWHA natural and cultural values planning cell in the PWS building in Macquarie Street, remote from the TFS State planners at TFS headquarters in Argyle Street. We were struck by how this arrangement went beyond hampering efficient communication between the teams: it actually led to suspicion of what the PWS team was seeking to achieve, which in our view was unjustified. We do not think that this would have been anything like the issue it became, if those teams had been co-located.
- 4.7.23** More broadly, our assessment of the Cambridge facility – and the feedback we received from the people who were working there – was that it was awkwardly laid out, cramped, and not supportive of contemporary incident management practice. Purpose-built facilities these days will often have a large central area where teams can be accommodated in an open plan environment, supporting open communication between different incident management functions, while also having breakout rooms situated around (and often visible from) the central area where specific conversations can take place off the central ‘floor’. This was far from being the case at Cambridge, and is not really found at TFS Hobart headquarters either.
- 4.7.24** As a Review team we are reluctant to recommend specific items of expenditure because we recognise that these are matters for agencies to plan and accommodate within existing budgets. Our view is, however, that there is really no State Control facility for emergencies in Tasmania that can support operations on the scale seen in the 2018-19 fire season. We have already discussed in this report how it is important for State and Regional control functions to be separate from incident management teams, and how those separate components of the emergency management structure need to be careful that they do not unwittingly overlap. That does not, however, mean that thought could not be given to co-locating the State Control Centre, the Southern Regional Control Centre, and the Southern joint agency IMT in one purpose-built location. However this is done, we are of the view that TFS should engage in planning for new, purpose-built control facilities and should seek budgetary support from government for a preferred option.

#### Recommendation 9

TFS should engage in discussions with government about the construction of purpose-built State Control Centre facilities for emergency management in Tasmania.

#### ICT and data

- 4.7.25** We heard some criticism of ICT facilities in Tasmanian fire agencies, including lack of interoperability between TFS and PWS (in particular) and access issues for interstate personnel who came to Tasmania to assist. In raising this issue with the responsible people, we were advised that the issues were acknowledged, but many of them stemmed from a lack of planning in advance and advice provided as to what might be needed.
- 4.7.26** We do not have the expertise to make professional judgements about ICT facilities, but it does seem to us that some joint planning with State government ICT experts away from the peak season, together with some exercising of emergency arrangements to enhance an understanding of what upgrades may be required, could provide benefits and we suggest that TFS considers undertaking this activity.

#### Follow-up and tracking of recommendations

- 4.7.27** The Review is acutely aware of the number of reports that have been produced in recent years on emergency management activities in Tasmania. These have produced a multiplicity of recommendations; some more than others. It is a challenge for agencies to take on board and track the number of recommendations received, and this is not an issue unique to Tasmania but can be observed elsewhere in the country as well.
- 4.7.28** In some states, responsibility for the tracking of recommendations and their implementation has been given to an appointed Monitor, or to a responsible officer such as an Inspector-General of Emergency Management. The benefit of doing this is not just to see if a recommendation has been implemented: there can also be value in revisiting recommendations that become obsolete or appear to be less desirable in the light of experience or new information. An independent tracking body can effectively declare that a recommendation has been completed, or should no longer be pursued.
- 4.7.29** We encourage TFS, PWS and STT to discuss with government how a function of this nature could be pursued; the appointment of a specified individual is not a requirement and, for example, the SEMC might be willing to take on this function.

## 5 PUBLIC CONSULTATION

- 5.1** One of the objectives of the Review was to provide a forum for public submissions, so that all points of view had an opportunity to be heard.
- 5.2** We were very grateful to all of those who took the time and effort to provide submissions to the Review and we were struck by the care and thoughtfulness that so many members of the Tasmanian community put into providing submissions and feedback.
- 5.3** We carefully read and considered all of the submissions that we received. The numbers of submissions and the many different points they covered means that we are unable to acknowledge them individually in our report. We have done our best, though, to ensure that all of the topics on which we received submissions have been discussed.
- 5.4** The submissions received are set out below and will be made publicly available, unless the author has requested confidentiality.

No.	Date	Name	Organisation
1	7 April	<b>Austen Hawkins</b>	University of Tasmania
2	9 April	<b>Mark Geary</b>	Member of the Public
3	10 April	<b>Daniel</b>	Member of the Public
4	11 April	<b>Harold Reilly</b>	Member of the Public
5	15 April	<b>Keith Darke</b>	Derby Mountain Bike
6	16 April	<b>Brian Hodgson</b>	Member of the Public
7	16 April	<b>James Downey</b>	Member of the Public
8	16 April	<b>David Hean</b>	Brigade Chief, Brady's Lake Brigade
9	23 April	<b>Simon Hattrell</b>	Member of Public
10	24 April	<b>Nicholas Sawyer</b>	Tasmanian National Parks Association
11	24 April	<b>Malcom Wells</b>	National Parks and Wildlife Advisory Council
12	25 April	<b>Juanita Brokas</b>	Member of the Public
13	26 April	<b>Natalie Eiser</b>	Member of the Public
14	26 April	<b>Chari Jolly</b>	Member of the Public
15	26 April	<b>Professor Bowman</b>	University of Tasmania
16	27 April	<b>Dr Geoff Holloway</b>	United Tasmania Group
17	27 April	<b>Bob Hawkins</b>	Member of the Public
18	28 April	<b>Luca Vanzino</b>	Member of the Public
19	28 April	<b>Gerald Crawford</b>	Retired District Officer, Tasmania Fire Service
20	28 April	<b>Peter Ockerby</b>	State Safety Advisor, Tasmania Fire Service
21	29 April	<b>Robin Costain</b>	Member of the Public
22	29 April	<b>Rob Blakers</b>	Member of the Public
23	29 April	<b>Anthony Archer</b>	Member of the Public
24	29 April	<b>Judy Moore</b>	Tasmanian Visitor Information Network
25	29 April	<b>Ron Mann</b>	Member of the Public
26	29 April	<b>Dean Brampton</b>	Member of the Public
27	29 April	<b>Robyn Lewis</b>	Central Highlands Wildlife Group
28	30 April	<b>Cheryl and Greg Oates</b>	Members of the Public
29	30 April	<b>Robyn Berrington</b>	Member of the Public
30	30 April	<b>Andrew Darby</b>	Member of the Public
31	1 May	<b>Mike O'Brien</b>	Member of the Public
32	1 May	<b>Brett Burgess</b>	Retired Volunteer
33	1 May	<b>Todd Dudley</b>	North East Bioregional Network
34	2 May	<b>Karen Spinks</b>	Member of the Public
35	2 May	<b>Bert Lawatsch</b>	Member of the Public

No.	Date	Name	Organisation
36	2 May	Greg Pullen	Member of the Public
37	2 May	Gerry and Sue White	Members of the Public
38	2 May	Gerald Ellis	Member of the Public
39	2 May	Robert Frost	Member of the Public
40	2 May	David Haynes	Member of the Public
41	2 May	Roger Underwood	The Bushfire Front Inc
42	2 May	Wayne Tucker	TasNetworks
43	2 May	Martin Gill	Meander Valley Council
44	2 May	Adam Wilson	Central Highlands Council
45	2 May	Stephen Rymer	PF Olsen
46	2 May	Liz Smith	Member of the Public
47	2 May	Pat Synge	Huon Valley Rate Payer Association
48	2 May	Danza Hardwicke	Tasmanian Mountain Cattleman's Association
49	2 May	Barbara Dawson	Member of the Public
50	2 May	Randall Trethowie	Member of the Public
51	2 May	Chris Peterson	Member of the Public
52	3 May	Tony Cannon	Institute of Foresters of Australia
53	3 May	Martin Moroni	Private Forests Tasmania
54	3 May	Robert Flanagan	Australian Workers Union
55	3 May	Sheralee Davies	Wine Tasmania
56	3 May	Geoff Law	Wilderness Society
57	3 May	Therese Taylor	Convenor Tasmania Forest and Forest Products Network
58	3 May	Dean Sheehan	Sustainable Timber Tasmania
59	3 May	Simon Roberts	Member of the Public
60	3 May	Amy Robertson	Member of the Public
61	3 May	George Harris	Huon Resource Development Group
62	5 May	David Downie	Member of the Public
63	5 May	Kelly Wilton	Support Tassie's Timber Industry
64	6 May	David Bradford	Derwent Valley Council
65	6 May	Rebecca Bell	Huon Valley Council
66	6 May	Geoffrey Swan	Member of the Public
67	7 May	Jenny Cambers-Smith	Member of the Public
68	7 May	Adam Wilson	Central Highlands Council
69	8 May	John Gunn	Member of the Public
70	8 May	Ian Sauer	State Fire Management Council
71	8 May	Peter Downie	Member of the Public
72	8 May	Leigh Hills	United Firefighters Union Australia (Tasmania Branch)
73	10 May	Peter Skillern	Tasmanian Farmers and Graziers Association
74	10 May	Laurie Dillon	Member of the Public
75	13 May	Jeff Leddin	Member of the Public
76	13 May	Chris Topham	Hydro Tasmania
77	13 May	Andrew Denman	Tasmanian Special Timbers Alliance
78	13 May	Nicholas d'Antoine	Member of the Public
79	14 May	Jo Donnelly	Member of the Public
80	15 May	Jan Lineham	Member of the Public

## 6 CONCLUSIONS

- 6.1 We wish to finish this report by paying tribute to the many people who went the extra mile to deliver a safe, effective response to the Tasmanian bushfires of 2018-19.
- 6.2 The Review team considers it a credit to the Tasmanian fire agencies and their staff that this Review does not need to deal with issues of injuries or fatalities to the public who use Tasmania's extensive wilderness areas for recreation: that there were no fatalities among firefighters responding in arduous and remote locations and that injuries did not occur in significant numbers.
- 6.3 In the 2016 report on that year's bushfires in Tasmania, the Review team said that the fires had been unprecedented. The same cannot be said this year – 2016 provided the precedent for the events of 2018-19. It is a credit to the Tasmanian fire agencies that many of the lessons of 2016 appear to have been learned and put into practice in 2019.
- 6.4 We think, though, that it is clear that the current legal and policy basis for firefighting in Tasmania is outdated, and it was our sense that those arrangements started to show their age in the 2018-19 season. Current progress towards statutory reform in Tasmania provides an opportunity for the State to align the legislative underpinnings of fire management in Tasmania with contemporary best practice, and to continue on the journey that the Tasmanian fire agencies started years ago with the formation of the MAC Group.
- 6.5 Our two main takeaways from the 2018-19 fires would be these. First, that there is great value in having a single point of coordination and control for unwanted fires burning in the State – but the significant proviso is that with control comes accountability; and the agency that has control must also be accountable for the full range of values, human and natural, that are at risk from fires in Tasmania.
- 6.6 Secondly, firefighting – whether ground-based or aviation – on this scale is more expensive than ever before, and represents a significant item of expenditure not only in agency but in State budgets. That may be unavoidable. But there needs to be financial accountability for this activity, both in Tasmania and, we would argue, elsewhere in Australia. Firefighting as a profession is enormously respected in our country, and if that respect is to be maintained, we need to be open in demonstrating that our use of public resources is truly for the public good.

## 7 GLOSSARY

<b>AFAC</b>	Australasian Fire and Emergency Service Authorities Council
<b>AIIMS</b>	Australasian Inter-Service Incident Management System
<b>BOM</b>	Bureau of Meteorology
<b>BRAM</b>	Bushfire Risk Assessment Model
<b>IAP</b>	Incident Action Plan
<b>IC</b>	Incident Controller
<b>IMT</b>	Incident Management Team
<b>LAT</b>	Large Air Tanker
<b>MAC</b>	Multi-agency Co-ordination (Group)
<b>NAFC</b>	National Aerial Firefighting Centre
<b>PWS</b>	Parks and Wildlife Service
<b>ROC</b>	Regional Operations Centre
<b>SEMC</b>	State Emergency Management Council
<b>SES</b>	Tasmania State Emergency Service
<b>SOC</b>	State Operations Centre
<b>STT</b>	Sustainable Timber Tasmania
<b>TFS</b>	Tasmania Fire Service
<b>TWWHA</b>	Tasmanian Wilderness World Heritage Area



# ANNEXE A: THE TASMANIAN FIRE AGENCIES

## THE COMMISSION, CHIEF OFFICER AND TASMANIAN FIRE SERVICE

- A1.1** The Tasmanian Fire Service and Fire Commission are established under ss 6 and 7 respectively of the *Fire Services Act 1979*. The Commission consists of the Chief Officer and Fire Service employee representatives. The Commission is responsible for the formulation of Fire Service policy, the co-ordination and development of all fire services throughout the State, the development of effective fire prevention and protection measures and the development and promulgation of the State Fire Protection Plan.
- A1.2** The Chief Officer is established under s.10 of the Act as the Chief Executive of the Tasmanian Fire Service (TFS) and is responsible for the control and management of the fire-fighting resources of the Fire Service. TFS is responsible for all structural fire suppression in Tasmania and for fire suppression on all private lands, unallocated Crown Land and in Wellington Park. Where bushfires occur under conditions and in situations where there is an imminent risk to, or actual impact upon structures and communities, the TFS shall direct the response to those fires where practical. The TFS has responsibility for the issuing of all declarations and warnings.
- A1.3** Tasmania has three statutory geographical regions within the State – North, South and North West. Within these regions there are 233 TFS brigades. The Chief Officer TFS is responsible for 311 TFS full-time equivalent operational career employees and 178 non-operational career employees, 4047 operational volunteers and 1022 non-operational volunteers. The Chief Officer TFS is also responsible for the Director SES, who manages 24 SES employees and 629 volunteers.

## PARKS AND WILDLIFE SERVICE

- A1.4** The Parks and Wildlife Service (PWS) is a unit within the Department of Primary Industries, Parks, Water and Environment and has responsibility for the management of approximately 3.3 million hectares of parks and reserves across Tasmania including the Tasmanian Wilderness World Heritage Area.
- A1.5** Section 30(3)(ca) of the *National Parks and Reserves Management Act 2002* gives authority to the PWS to: 'to take any steps or undertake any activities that the managing authority considers necessary or expedient for the purposes of preventing, managing or controlling fire in reserved land, having regard to the management objectives for that reserved land'. As an occupier of land, the PWS also is obliged under s.64 of the Fire Service Act s.64 to take diligent steps to extinguish the fire or to prevent it from spreading and to report the fire.
- A1.6** The framework for PWS fire management is as follows:
- PWS State Fire Management Policy is a high-level document covering adopted principles, standards and approaches to fire management;
  - PWS State Fire Planning Policy provides the overall framework for fire management planning in PWS;
  - PWS Code of Practice for Fire Management establishes principles, standards and guidelines that will apply to fire management on reserved land;
  - PWS Park and Reserve Management Plans (for example TWWHA Management Plan) contain a section dealing with fire management policies and actions that relate specifically to that park or reserve;
  - PWS Regional Strategic Fire Management Plans have been prepared for PWS regions being Northwest, Northern and Southern. These plans are structured in accordance with PPRR.
  - Annual Planned Burning Program and Fire Works Plans - These are prepared annually and identify and gain approval for all the planned burning and works programs that may be undertaken for the coming year;
  - Annual Fire Action Plan is prepared and updated on an annual basis and covers PWS arrangements across the State. The purposes of the Fire Action Plan are to identify the actions required by the PWS, on a routine daily and weekly basis, for the prevention and readiness to control bushfires and their impacts; to be a reference document for fire duty officers and regional staff.

## SUSTAINABLE TIMBER TASMANIA

- A1.7** Sustainable Timber Tasmania (STT) is a Tasmanian Government business enterprise responsible for sustainably managing approximately 800,000 hectares of public production forest (Permanent Timber Production Zone land). STT manages its land consistent with its obligations under the *Forest Management Act 2013*, the *Government Business Enterprise Act 1995*, the *Forest Practices Act 1985* and the *Forestry (Rebuilding the Forest Industry) Act 2014*.
- A1.8** In accordance with the Government Business Enterprises Act, a Ministerial Charter describes the operational scope and Government's broad expectations of STT. The Charter identifies fire management as one of STT's core activities and requires STT to *inter alia* act in accordance with the Inter-Agency Fire Management Protocol. Core activities and Non-commercial activities under fire management are included in Schedules 1 and 2 respectively and include fuel management, establishment and maintenance of fire breaks and the prevention, preparation for and suppression of wildfires; research and the preparation of regional fire management plans.
- A1.9** As an occupier of land, STT is also obliged under s.64 of the Fire Service Act to take such diligent steps as necessary during the fire permit period to extinguish or prevent any fires burning on that land from spreading and to report the fire. STT's approach to fire management is outlined in the Forest Management Plan and includes a PPRR approach in accordance with the following aims:
- Minimise the occurrence and impacts of bushfires;
  - Minimise the severity of bushfires through strategic fuel reduction burning;
  - Maximise Sustainable Timber Tasmania's readiness to respond to bushfires;
  - Minimise the severity of bushfires through coordinated, effective and efficient responses; and
  - Promote forest recovery after fires.
- A1.10** STT has a Strategic Fire Management Plan (statewide) under which sit Regional Fire Action Plans and Tactical Fire Management Plans. Operational Burn Plans are also prepared for every prescribed burning operation.

## ANNEXE B: THE REVIEW TEAM

### GUY THOMAS

Guy Thomas has worked with the Queensland Parks and Wildlife Service for over 35 years in a variety of operational and senior management roles.

With formal qualifications and training in Science, Business and Project Management, Guy has been involved in all aspects of protected area management across a diversity of landscapes. This includes several roles in fire management, ecotourism, asset and visitor management and involvement with World Heritage Areas.

Guy's senior management experience includes five years as Director of the QPWS Technical Services group with oversight of the agency's fire & pest programs, asset management, ecological research, spatial and ICT systems, cultural heritage and park management planning.

Currently the Director of Asset Services, Guy has responsibility for asset capital works and maintenance programs, infrastructure design, fleet management and radio communications. He represents QPWS on the Australasian Fire Authorities Council and is a member of the AFAC Collaborative Procurement and Business Strategy working group.

### MAL CRONSTEDT

Mr Mal Cronstedt AFSM commenced his career in the fire service as a volunteer in 1976, joining full-time in 1982. He has served across ranks and roles in the State's fire and emergency services in a variety of operational and support functions. In 2003 Mr Cronstedt undertook a year-long secondment to Fire & Rescue NSW (then NSW Fire Brigades) and in 2005 joined the NSW Rural Fire Service as the Blue Mountains Superintendent. He returned to Western Australia in 2008 as Fire and Emergency Service Authority's Rural Operations Coordinator South and was subsequently appointed as Chief Superintendent Country South in July 2012, upon the creation of the Department of Fire and Emergency Services (DFES).

Mr Cronstedt was appointed inaugural Director of the Office of Bushfire Risk Management in August 2012. In August 2014 he became Executive Director of the State Emergency Management Committee (SEMC) Secretariat (subsequently Office of Emergency Management). In March 2018, he was appointed DFES' Deputy Commissioner Strategy and Emergency Management. Mr Cronstedt is an ex-officio member of the SEMC and a member of the Australia-New Zealand Emergency Management Committee. Mr Cronstedt has significant operational and public policy experience across Australia, including, for example, contributing to the development of the latest version of the Australian Interagency Inter-service Management System and a national risk reduction strategy.

Mr Cronstedt holds a Master of Business Administration, a Graduate Diploma in Disaster Management and a Bachelor of Arts. He is a Graduate of the Australian Institute of Company Directors, the Institution of Fire Engineers and the Australia and New Zealand School of Government's Executive Fellows Program.

Mr Cronstedt was awarded the Australian Fire Service Medal in 2013.

### PAUL CONSIDINE

Paul Considine is qualified as a barrister in the UK. He has held positions in Australian state and Commonwealth public services, including as a Director of Investigations in the office of the Commonwealth Ombudsman.

Paul joined the Australasian Fire and Emergency Service Authorities Council in 2010 as Manager, Operations (Urban Fire and State Emergency Services). In 2013 he took up a two-year ministerial appointment as an Assistant Inspector of the Scottish Fire and Rescue Service, with HM Fire Service Inspectorate in Scotland: in that capacity he was lead inspector on various inquiries and reports into the SFRS.

Paul returned to AFAC in 2016 to work on setting up the National Resource Sharing Centre, an Australasian initiative for sharing fire and emergency management resources. He was subsequently appointed General Manager of the Emergency Management Professionalisation Scheme, which promotes emergency management as a profession and sets professional practice standards for a range of emergency management roles. Paul is currently Director, Capability and Assurance at AFAC with responsibilities across the fields of national capability, resource sharing, and reviews and inquiries.

## ANNEXE C: ORGANISATIONS THAT CONTRIBUTED TO THE REVIEW

Tasmania Fire Service

Parks and Wildlife Service Tasmania

Sustainable Timber Tasmania

Tasmania Police

Tasmania State Emergency Service

Department of Premier and Cabinet, Tasmania

Tasmania Volunteer Fire Brigades Association

Tasmania Retained Volunteer Firefighters' Association

United Firefighters' Union (Tasmania)

The Wilderness Society Tasmania

National Parks Society

Rural Fire Service New South Wales

Australasian Fire and Emergency Service Authorities Council

Huon Valley Council

We thank all the organisations and individuals that made the time to assist us with our work.

## REFERENCES

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*Annual Report 2017-18*, Tasmania State Fire Commission 2018

*Guidelines for Operating Private Equipment at Fires*, Country Fire Authority Victoria 2016

*A review of the management of the Tasmanian fires of January 2016*, AFAC 2016

*Tasmanian Wilderness World Heritage Area Bushfire and Climate Change Research Project*, Press 2016

*Interagency Fire Management Protocol*, Tasmanian fire agencies 2018

Next page: The forest canopy can be too dense for aircraft to effectively water bomb hotspots. Instead they are tasked with filling up portable collar dams which supply water to hundreds of meters of firefighting hose laid throughout the forest floor. All equipment is either carried or flown in. (Credit: Warren Frey and TFS)





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# **Discussion Paper:**

# **Statutory Review of the *Aboriginal Heritage Act 1975***

May 2019



Department of Primary Industries, Parks, Water and Environment

GPO Box 44 Hobart TASMANIA 7001

[www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)

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# Overview

Tasmania has been home to Aboriginal people for more than 40,000 years and spanning two ice ages. Throughout that time, Tasmania's Aboriginal people have led rich cultural lives with deep connections to the land and sea-scapes around them. Today, Tasmania's Aboriginal people continue to live rich cultural lives and their cultural heritage and traditional cultural practices continue as one of the oldest continuing living cultures in the world. Tasmania's Aboriginal cultural heritage is ancient and unique and is immensely important to Tasmanian Aboriginal people – past, present and future. Not only that, our Aboriginal heritage has great significance for the broader Tasmanian community, as well as having significant value at national and international levels.

Tasmania's Aboriginal cultural heritage is the legacy of Tasmania's First people – those places, objects and traditions that have been passed down through thousands of generations. It also includes intangible values where there may be no physical evidence of past cultural activities, for example, places of spiritual or ceremonial significance or travel routes where trade relations took place.

From shell middens, rock markings, hut depressions and stone artefacts that are some of the finest examples in Australia, through to whole landscapes and ecosystems that have been carefully and sustainably managed and sculpted by many thousands of years of Aboriginal activity including hunting, trading and cultural burning – Tasmania's landscape today carries the evidence of its First people. The importance of understanding, respecting and protecting this ancient and living culture cannot be overstated.

The *Aboriginal Heritage Act 1975* (the Act) is a stand-alone piece of Tasmanian legislation which defines what Aboriginal heritage is and sets out how that heritage must be managed.

The Act was amended in 2017 for the first time since it was created in 1975. The amendments served to address some of the most outdated and problematic parts of the Act, and were seen as a positive step. However, aside from the amended provisions, the Act as a whole remains largely outdated and continues to reflect the thinking and attitude of a predominantly white bureaucracy from a period close to half a century ago.

The 2017 amendments were also an interim step with a requirement added to the Act requiring a full review of the legislation within three years.

The review will consider the design and operation of the current legislation through broad consideration of:

- the views and aspirations of Tasmanian Aboriginal people.
- the views of non-Aboriginal stakeholders.
- approaches to Aboriginal heritage legislation in other Australian jurisdictions; and
- the interface between Aboriginal heritage management legislation and other legislative processes (primarily relating to resource management and planning processes).

## Purpose of the Discussion Paper

The Government of Tasmania is seeking the input of all Tasmanians, and from Tasmanian Aboriginal people in particular, to understand issues with the operation of the *Aboriginal Heritage Act 1975*.

Multiple opportunities will be provided throughout 2019 and 2020 for people to contribute to the review.

The first opportunity to contribute to the review is a 16 week comment period on the information and questions presented in this Discussion Paper.

Your response to this first stage of consultation is an important step in the review process. It is where you get your first opportunity to have your say and let us know your thoughts, ideas and concerns. Your comments will be considered and further explored through consultation in a second stage of the review.

The Discussion Paper is structured around the following key topics relating to the management of Aboriginal heritage in Tasmania:

1. What is the *Aboriginal Heritage Act 1975* trying to achieve?
2. What is Aboriginal heritage?
3. Ownership of Aboriginal heritage.
4. Making decisions about what happens to Aboriginal heritage.
5. The Aboriginal Heritage Council – what it is and what it does.
6. Offences under the *Aboriginal Heritage Act* and penalties for doing the wrong thing.
7. When can Aboriginal heritage be interfered with?
8. Enforcement of the legislation.
9. Other ways the legislation protects Aboriginal heritage; and
10. Other matters covered by the legislation.

The Discussion Paper presents information on how the Act works in relation to each of the key topics and then asks some questions in relation to each topic to help prompt discussion.

Not every section of the Act is discussed in detail, however you are invited to provide comment on the structure and operation of any part of the Act.

The Discussion Paper also provides an opportunity to comment on any other matters relating to the management of Aboriginal heritage in Tasmania.

## How you can contribute

Each section of the Discussion Paper concludes with a series of questions. These questions are designed as prompts only. Written submissions need not address these questions specifically.

All written submissions must be received by the end of Saturday 21 September 2019.

Written submissions can be forwarded to:

Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Mail: Aboriginal Heritage Act Review  
GPO Box 44  
Hobart TAS 7001

A number of face-to-face meetings with Aboriginal groups and key non-Aboriginal stakeholders will also be held around Tasmania.

If you would like to request a special information session for yourself or your organisation, please contact the DPIPWE Review Team at Email: [aboriginalheritageact@dpipwe.tas.gov.au](mailto:aboriginalheritageact@dpipwe.tas.gov.au)

Submissions will be treated as public information and will be published on the Department of Primary Industries, Parks, Water and Environment website at [www.dpipwe.tas.gov.au/aboriginalheritageact](http://www.dpipwe.tas.gov.au/aboriginalheritageact) following the closing of the consultation period, unless you request otherwise.

Further information on how your submission will be handled can be found at the end of this Discussion Paper.

# Next steps

- ⇒ A Consultation Report summarising all the feedback received through the first stage of consultation will be prepared and made available to the public. It is envisaged that the Consultation Report will be released before the end of 2019.
- ⇒ Feedback received through the first stage of consultation will be used to inform a second Stage of the Review, where further discussions with Tasmanian Aboriginal people and non-Aboriginal stakeholders will be held to explore views on specific issues in more detail, and identify pathways to resolve stakeholder concerns/suggestions. The second stage of consultation will take place in 2020.
- ⇒ Following the second Stage of consultation, a Review Report will be prepared presenting the findings of the Review and recommendations relating to options for change. The Review Report will be provided to the Minister for Aboriginal Affairs in August 2020 and is expected to be tabled in each House of Parliament before the end of the Parliamentary year in 2020.

# 1. What is the *Aboriginal Heritage Act 1975* trying to achieve?

The *Aboriginal Heritage Act 1975* provides the current legislative framework for managing and protecting Tasmania's Aboriginal heritage.

In summary, the Act:

- defines what Aboriginal heritage is.
- establishes, as a principle, that Aboriginal heritage must not be damaged, destroyed, defaced, concealed or otherwise interfered with, unless otherwise authorised under the Act.
- sets out actions that may be taken to protect Aboriginal heritage that is at risk of being harmed;
- specifies what a person must do if they discover Aboriginal heritage.
- prescribes penalties that may be applied if the 'rules' of the Act are broken.
- identifies circumstances where Aboriginal heritage may be destroyed, damaged, defaced, concealed or otherwise interfered with; and
- establishes a Council of Aboriginal people to provide advice and make recommendations to the Minister for Aboriginal Affairs and to the Director of National Parks and Wildlife (the Director), on matters relating to Aboriginal heritage.

Some legislation incorporates clearly stated objectives which provide additional guidance and clarity around what the Act has been established to deliver, and must be taken into account by anyone making decisions in relation to the Act. The *Aboriginal Heritage Act 1975* does not contain any specific information or overarching principles clarifying the objectives of the Act.

## Questions:

- ⇒ How clear is the Act regarding what it is trying to achieve?
- ⇒ Could this be improved, and if so, how?

# 2. What is Aboriginal heritage?

Under the Act, anything that is considered to be Aboriginal heritage is described as a 'relic'. The definition of a relic is provided in Section 3 of the Act and includes:

- any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants.
- any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants; and
- the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in a cemetery or marked grave.

An important amendment to the Act in 2017 was the removal of references to 1876 as the cut-off date for creation of Aboriginal heritage (or a 'relic'). This change recognises that Tasmania's Aboriginal culture is a living culture which continues to create Aboriginal heritage to this day, and which will continue to create Aboriginal heritage into the future.

Tasmania's Aboriginal people consider the term 'relic' to be outdated and not relevant to the way they view their heritage. The term suggests something that is ancient and a thing of the past, and does not acknowledge or capture the part of their heritage that is contemporary and living. While the title of the Act was changed in 2017 from the *Aboriginal Relics Act 1975* to the *Aboriginal Heritage Act 1975* in recognition of this view, the use of the term relic to define Aboriginal heritage has remained in the Act.

A further important amendment in 2017 was the introduction of additional criteria for a relic as having to be of significance to Tasmanian Aboriginal people, with the significance 'test' being further qualified as being in accordance with Tasmanian Aboriginal history and tradition.

An issue that has been raised by Aboriginal people and other indigenous experts in recent years is how to define and protect that part of Aboriginal heritage, culture and tradition that may not have a physical form or evidence – that is intangible.

Under Victorian legislation, intangible heritage is recognised and includes ceremony, stories, traditional skills and practices, language and dance. In the Tasmanian Aboriginal cultural context, use of the term intangible has tended to extend to including the spiritual essence of a place or broader landscape where Aboriginal people once lived, hunted and practiced culture.

The current definition of Aboriginal heritage in the Act does not attempt to recognise or manage intangible Aboriginal heritage. It is noted, however, that intangible values, and the potential for those values to be impacted, can be difficult to define and manage.

#### Questions:

- ⇒ How well does the Act define Aboriginal heritage?
- ⇒ Could this be improved, and how?
- ⇒ Does the definition of a 'relic', adequately capture all elements of Aboriginal heritage that should be protected and managed?
- ⇒ Should use of the term 'relic', and the way Aboriginal heritage is recognised and defined, be changed?

### 3. Ownership of Aboriginal heritage

The Act has several provisions relating to ownership of relics:

- Section 10 of the Act required persons owning or holding relics at the time the Act commenced to report that fact to the authorities.
- Section 11 of the Act provides that relics on Crown lands are owned by the Crown; and
- Section 12 of the Act contains provisions for the compulsory acquisition of relics by the Minister, if the Minister determines that the relic is required by the Crown.

The Act is silent on ownership of relics on lands other than Crown lands (e.g. privately owned land).

Although the Act is largely silent on ownership of relics by people other than the Crown, it is clear from Sections 10 and 12 that the Act recognises that circumstances exist where a person, other than the Crown, can own a relic.

It is noted that the concept of ownership does not fit with how Aboriginal people view Aboriginal heritage. While it is without doubt that Aboriginal people consider it their heritage, they view themselves as custodians rather than owners of their heritage.

Irrespective of who may be considered under the Act to be the owner of a relic, it is clear that all the provisions in the Act, including those relating to the protection and management of relics, apply to everyone – including the 'owner'. As such, it has been argued that the matter of ownership, while somewhat undefined in the Act, does not alter the level of protection that is provided to a relic.

The more complicated question around ownership is not just who should own or be the custodian of Aboriginal heritage, but also what decisions about how that heritage is managed, the owner or custodian of the Aboriginal heritage should be able to make.

## Questions:

- ⇒ How clearly does the Act describe ownership of Aboriginal heritage?
- ⇒ Are provisions in the Act providing for ownership reasonable?
- ⇒ Who should own Aboriginal heritage?
- ⇒ Is the concept of 'ownership' the right way to think about who is responsible for Aboriginal heritage?
- ⇒ Should the 'rules' in the Act apply to everyone in every situation?
- ⇒ Should land tenure on which Aboriginal heritage exists make any difference to who owns/how the heritage is to be managed?

## 4. Making decisions about what happens to Aboriginal heritage

The Minister for Aboriginal Affairs is the primary decision maker under the Act and makes decisions in relation to:

- Issuing permits to interfere<sup>1</sup> with Aboriginal heritage.
- Declaring 'protected sites'.
- Compulsory acquisition of relics; and
- Issuing Guidelines.

Issuing Guidelines and declaring 'protected sites' are discussed further, at protected Section 7 and 9 respectively.

The Director of National Parks and Wildlife has a limited decision making role in relation to managing 'protected sites' and issuing permits to interfere with relics and infrastructure on those sites.

In making decisions, the Minister and the Director are largely not bound to seek advice or recommendation from any person, other than the Director of National Parks and Wildlife in the case of the Minister. However, in practice, the Minister and the Director routinely seek advice from the Aboriginal Heritage Council. While this intention was clearly outlined as the expectation when the 2017 amendments establishing the statutory Council were developed, it is not a requirement of the Act.

Under very limited circumstances relating to disposal of relics owned by the Crown, the Minister must seek and consider a recommendation from the Aboriginal Heritage Council.

Under the Act, only the Aboriginal Heritage Council is recognised as being in a position to provide advice or recommendations. No person or entity other than the Minister or the Director has any statutory decision making powers in relation to managing Tasmania's Aboriginal heritage.

The approach the Act takes to decision making has been highlighted as a longstanding issue for Aboriginal people and a number of other people with an interest in Aboriginal heritage. Aboriginal people consider themselves the rights-holders and custodians of their heritage and have a strong desire to continue to be responsible for managing their heritage. It is important to also note that private land owners want to be able to continue to make their own decisions to practice certain use rights associated with their land.

Tasmania's Aboriginal people have advocated that an Aboriginal body, such as the Aboriginal Heritage Council, should have decision making powers. If this were to be the case, it may be necessary to include provisions providing rights to review or appeal of decisions, consistent with other legislation that provides for independent decision making powers.

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<sup>1</sup> Use of the term 'interfere' in this Discussion Paper refers to a full description in the Act of what a person must not do to a relic (see Section 14(1) of the Act), and includes destroy, damage, deface, conceal, remove, sell, search for or otherwise interfere with a relic.

## Questions:

- ⇒ Is the way the Act describes who makes decisions, and how decisions must be made, adequate and reasonable?
- ⇒ How can decision making be improved?
- ⇒ Who should make decisions under the Act?
- ⇒ Are there circumstances where different people, or parties, should make decisions about how to manage Aboriginal heritage? How should decisions be made?

## 5. The Aboriginal Heritage Council – what it is and what it does

The Act establishes the Aboriginal Heritage Council as an independent statutory body which provides advice and makes recommendations to the Minister and the Director. The inclusion of provisions to establish the Aboriginal Heritage Council, comprising Aboriginal people, was an important component of the amendments made to the Act in 2017.

The scope of the matters that the Council can provide advice on is confined to matters that are covered by the Act. This is set out in detail in Section 3 of the Act, and includes matters on which the Minister and the Director make decisions under the Act.

As discussed in Section 4 of this Paper, the Minister and the Director are not bound under the Act to seek advice from the Council, however the Council can provide advice regardless of whether it has been sought. The Minister and the Director are not bound under the Act to adopt advice and recommendations received from the Council.

In preparing advice and recommendations, the Act specifies that the Council itself is to seek advice from any person or body the Council believes, on reasonable grounds, to have expertise in relation to the matters concerned. The Act also provides for the Council, in performing its role, to consult with Tasmanian Aboriginal people where it is appropriate and practicable to do so.

The Act specifies that the Council can have up to 10 members, who must be Aboriginal persons. Members of the Council are appointed by the Governor, on the recommendation of the Minister. Other than being Aboriginal persons, the Act does not specify any additional criteria for Council membership (e.g. skills or representation) or how members are selected. However Government policy requires gender balance and regional representation as far as is practicable.

## Questions:

- ⇒ How should members for the Aboriginal Heritage Council be chosen?
- ⇒ Should the Act specify criteria for Council membership, and what criteria should apply?
- ⇒ How clearly does the Act describe the role and function of the Aboriginal Heritage Council?
- ⇒ Is the role of the Aboriginal Heritage Council adequate and appropriate?
- ⇒ Could this be improved, and if so, how?



## 6. Offences under the Act and penalties for doing the wrong thing

The Act specifies a range of actions affecting Aboriginal heritage that are against the law. These offences include:

- Interfering with a relic.
- Interfering with a 'protected object' or a 'protected site'.
- Failing to advise the appropriate authority of a relic being discovered; and
- Failing to comply with requests from authorised officers (discussed further in Section 8)

By far the most important, and in practice the part of the Act under which most of the administrative work is undertaken is Section 14(1) which says that relics must not be interfered with unless in accordance with the terms of a permit granted by the Minister. It is under this section that the Minister grants permits to interfere with relics and under which most compliance action occurs.

In each case where an offence is specified in the Act, a corresponding maximum penalty is also specified.

The penalties in the Act were significantly increased when the Act was amended in 2017. The maximum penalties in the Act are now among the highest of any other Aboriginal heritage legislation in the country, and in line with similar offences for damaging European heritage.

Penalties are described in terms of the maximum number of 'penalty units' that can be applied.

Each penalty unit has a monetary value that is set each year. The current value of a penalty unit in Tasmania is \$163.

Penalties in the Act are scaled to differentiate between individual persons (or small business entities) and body corporates – with penalties being significantly greater for body corporates.

Penalties in the Act are also scaled to differentiate between offences that a person has knowingly committed and offences that a person has committed unwittingly through negligence or recklessness on their part – with persons knowingly or deliberately doing the wrong thing attracting significantly higher penalties.

The highest maximum penalty prescribed in the Act applies to circumstances where a body corporate knowingly interferes with a relic. This equates to a maximum of \$1.63 million.

By way of example:

- 1,000 penalty units = \$163,000 (maximum penalty for an individual recklessly or negligently interfering with Aboriginal heritage).
- 2,000 penalty units = \$326,000 (maximum penalty for a body corporate, other than a small business entity recklessly or negligently interfering with Aboriginal heritage).
- 5,000 penalty units = \$815,000 (maximum penalty for an individual knowingly interfering with Aboriginal heritage).
- 10,000 penalty units = \$1,630,000 (maximum penalty for a body corporate knowingly interfering with Aboriginal heritage).

Only a magistrate can determine whether an offence has been committed and decide what level of penalty to apply.

There is concern among Aboriginal people that broader society has not yet placed an equal value on Aboriginal heritage relative to European heritage. A criticism of the current offence provisions has been a lack of understanding of the value of Aboriginal heritage and therefore failure to impose appropriate (large enough) penalties.

While the maximum penalties in Tasmania may now be in line with those for damaging European heritage, there have been no prosecutions under the amended Act to date, therefore the new, harsher penalties have not been tested. There are signs that the importance, and therefore the value, of Aboriginal heritage is becoming better understood, however ongoing efforts to educate and create awareness and understanding across the broader community will be a critical part of the ongoing protection and management of Aboriginal heritage in Tasmania.

As previously discussed in this Paper, the offence provisions in the Act apply to everyone. However, it could be argued that under the Act, Tasmanian Aboriginal people practicing culture at their cultural sites may in fact be interfering with Aboriginal heritage and, if doing so without a permit, they would be breaking the law. While a person's circumstances would be taken into account when determining a penalty, these circumstances would generally not be able to be considered in determining if an offence has been committed.

### Questions:

- ⇒ How well does the Act describe and manage offences?
- ⇒ Are the penalties adequate?
- ⇒ Could the offences and penalties provisions in the Act be improved, and if so, how?
- ⇒ Are there circumstances where the 'rules' of the Act should apply differently to different people?

## 7. When can Aboriginal heritage be interfered with?

The Act provides for circumstances where a person can be provided with a legal authority to interfere with a relic. The Act also provides for circumstances where a person's failure to comply with the Act can be justified, or 'defended' legally. Generally, the offence provisions in the Act apply to every person and every circumstance, however a number of circumstances are specified in the Act where either a legal authority or a legal defence can exist. They are where:

- A person is acting in accordance with a permit granted by the Minister or Director (see also Section 4);
- A person is acting in accordance with Guidelines issued by the Minister, or relying on another person's compliance with the Guidelines; or
- A person is carrying out emergency works.

There is little guidance in the Act for the process which must be followed for seeking a permit to interfere with a relic. However, in practice the Director, through their oversight of the Department of Primary Industries, Parks, Water and Environment, has established a longstanding and robust policy-based process for assessing the merit of every application for a permit. This is set out in the *Aboriginal Heritage Standards and Procedures* published by Aboriginal Heritage Tasmania. The process entails a desktop assessment to determine if Aboriginal heritage is at risk. Where a risk is determined, and depending on the nature of the risk, further information is obtained including:

- Specialist surveys.
- Site visits.
- Advice from the Aboriginal Heritage Council; and
- Consideration of the broader social, economic and environmental implications.

A permit to interfere – usually to conceal or relocate, but sometimes to destroy a relic – may then be granted by the Minister on the recommendation of the Director.

Section 21A of the Act specifies that the Minister must issue 'Guidelines'. The intention of the 'Guidelines' is to set out the things that a person must do to ensure they have undertaken all reasonable precautions to minimise the risk that the activity they are proposing to undertake will result in impacting Aboriginal heritage.

Measures in the current Guidelines include:

- Contacting the 'Dial Before You Dig' service.
- Conducting a search through the Aboriginal Heritage Property Search tool administered by Aboriginal Heritage Tasmania.
- Acting in accordance with the standards and procedures which have been adopted by the guidelines. These are:
  - Aboriginal Heritage Tasmania's *Aboriginal Heritage Standards and Procedures*;
  - *Procedures for Managing Aboriginal Cultural Heritage when Preparing Forest Practices Plans*; and
  - *Mineral Exploration Code of Practice*.
- Contacting Aboriginal Heritage Tasmania directly; and
- Acting in accordance with any advice received from Aboriginal Heritage Tasmania, including in relation to unanticipated discoveries of Aboriginal heritage.

Emergency works are specified in the Act as being works undertaken in accordance with Section 5 of the *Electricity Supply Industry Act 1995*, or any work that is necessary and proportionate to save lives, prevent injury and prevent damage or loss of property. An example of this would be the clearing of fire breaks to control a fire or to prepare for an impending fire. Emergency management teams routinely inform their decisions with information about the natural and cultural values of an area, and wherever practical they take steps to minimise impacts on those known values as they deliver their emergency services.

#### Questions:

- ⇒ Are the defence provisions in the Act adequate and reasonable?
- ⇒ Could the defence provisions be improved, and if so, how?
- ⇒ Do the Guidelines provide adequate protection for Aboriginal heritage?
- ⇒ Could the Guidelines be improved, and if so, how?

## 8. Enforcement of the legislation

The provisions in the Act are legal requirements and must be complied with. As discussed in Section 6 of this Paper, a magistrate determines whether a person has committed an offence, and will decide the proportion of the maximum relevant penalty that will be imposed.

An important amendment to the Act in 2017 was an extension of a statutory limit on the amount of time within which a prosecution must be initiated – from within six months of an offence being committed, to within two years of discovery of evidence of an offence having been committed. This change recognised that breaches of the Act were sometimes reported long after alleged offences were committed (eg, vandalism of rock art in remote areas) and the considerable length of time required to conduct robust investigations prior to decisions being made to proceed with prosecution.

The Act also provides for people to be 'authorised' under the Act to make certain types of decisions and take certain actions such as:

- Requiring a person to provide their name and address.
- Requiring a person to leave a 'protected site'.
- Requiring a person to disclose the location of a relic.
- Seizing objects (relics and property); and
- Obtaining a warrant to search a premises.

Police officers are automatically authorised officers. Any State Service employee may also be authorised as a warden on a case-by-case basis. The practice is for State Service employees to undergo relevant training, to ensure their competence and safety prior to them being authorised. Honorary wardens with lesser powers, and who are not required to be State Service employees, can also be appointed.

Unlike most other legislation that regulates development activity/works, the Act does not provide for the issue of stop-work notices. The key issue here is that a determination of an offence and penalty by a magistrate necessarily takes some time (often years) and there are no mechanisms in the Act to legally require a person (e.g. a contractor or a developer) to stop what they are doing and to not start again until further notice, thereby exposing Aboriginal heritage to ongoing risk of potential damage. A number of other Acts, including Tasmania's *Historic Cultural Heritage Act 1995*, do have this type of provision.

A number of Acts governing the protection of natural and cultural values also have infringement notice provisions which allow for an immediate judgement and on-the-spot fine, where an authorised officer has determined that a breach of the relevant Act has occurred. Infringement notices can be an efficient and immediate means of issuing a penalty. They are usually issued in relation to actions which are considered to constitute breaches that are less serious or minor in nature, and the associated penalties tend to be a small fraction of the (potentially maximum) penalties that might be applied by a magistrate for serious offences.

#### Questions:

- ⇒ How well does the Act provide for enforcement of its provisions?
- ⇒ Could this be improved, and if so, how?
- ⇒ Should the Act include stop-work provisions?
- ⇒ Should the Act include provision for infringement notices and associated on-the-spot fines?
- ⇒ Should offences in the Act be further scaled to distinguish between minor and non-minor offences?

## 9. Other ways the legislation protects Aboriginal heritage

The Act provides a number of other mechanisms which are intended to provide further protection for Aboriginal heritage, in addition to the general provisions already discussed in this Discussion Paper.

The first mechanism (which has been mentioned earlier in this Discussion Paper) is the ability for the Minister to declare a site to be a 'protected site' where the Minister is satisfied that steps should be taken to protect or preserve a relic at that site. In principle, the provisions in the Act provide for a greater level of management attention, aimed at protecting relics, than may otherwise be available.

This mechanism has rarely been used and only three 'protected sites' have been declared, one of which was revoked when that land was formally returned to the Aboriginal community under the *Aboriginal Lands Act 1995*. In practice, it has been more useful and effective to administer such sites under the broader reserve and Crown land management systems administered by the Parks and Wildlife Service.

The second mechanism is a provision for the Governor to make Regulations under Section 25 of the Act which provide additional prescriptions relating to the care, control and management of 'protected sites'. Regulations were initially made in 1978, however these Regulations lapsed in 2000 and Regulations have not existed since that time.

#### Questions:

- ⇒ How well does the Act protect and manage Tasmania's Aboriginal heritage?
- ⇒ Could this be improved, and if so, how?
- ⇒ Are 'protected sites' a useful mechanism for protecting Aboriginal heritage?
- ⇒ Is the provision for the making of Regulations useful?

## 10. Other matters covered by the legislation

The Act also has a number of miscellaneous provisions that while relatively minor are important.

Section 22 specifies that any monies received under the Act, primarily as a result of fines being imposed, will be paid to the Government's consolidated fund. The section also specifies that the Tasmanian Government will pay any expenses incurred through administration of the Act.

Section 23 specifies that the Act must be reviewed within three years of the 2017 amendments.

Section 24 specifies that the *Aboriginal Heritage Act 1975* does not affect the operation of certain other acts, namely Section 139 of the *Criminal Code Act 1924* and the *Coroners Act 1995*.

### Other considerations

The focus of the review of the Act, and therefore this Discussion Paper, is around the design and operation of the current Act. There are, however, some additional aspects relating to the protection and management of Aboriginal heritage that are not directly or indirectly referenced in the Act, and are important to acknowledge.

There are multiple elements to the effective management of Aboriginal values. Legislation and subordinate or subsidiary statutory instruments and processes are a key part, however there are an array of non-statutory mechanisms that may have the potential to support and significantly strengthen the whole system. Central to concerns that have been expressed by Tasmania's Aboriginal people in previous consultation is the importance of educating broader society to promote a better understanding and appreciation of the value and importance of Tasmania's Aboriginal heritage.

A great deal of resources are directed to protecting, managing and promoting Tasmania's Aboriginal heritage. Examples include work on understanding and presenting the Aboriginal values of the Tasmanian Wilderness World Heritage Area, developing and supporting joint management arrangements, as well as the Parks and Wildlife Service's Aboriginal Trainee Ranger Program, and support of Aboriginal tourism.

A key issue with the protection and management of Aboriginal heritage in Tasmania continues to be a lack of understanding and clarity for people who are planning activities which have the potential to impact on Aboriginal heritage. Currently there are a range of key administrative processes that aren't prescribed in detail in the Act – notably specific steps and timeframes to be followed and adhered to when seeking advice on whether a permit for an activity is required, and when making a decision in relation to granting of such a permit. There is also no provision in the current Act for a decision to be appealed, should a party be unsatisfied with how the Act is administered. A theme that emerged from land use and development stakeholders and industries through the consultation for the 2017 amendments was that tighter prescriptions and stronger penalties were not opposed, provided there was clarity and certainty in the requirements and operation of the Act. Some noted a desire to see statutory processes and timeframes for the handling of enquiries regarding whether Aboriginal heritage permits were required and for decisions to be made in relation to applications for permits.

A further but related matter for consideration is how the Act should relate to other Tasmanian planning legislation. Unlike the *Historic Cultural Heritage Act 1995*, the Act is not part of Tasmania's Resource Management and Planning System (RMPS) and there are no triggers in, nor alignment with Tasmania's core planning Act (the *Land Use Planning and Approvals Act 1993*). Integration of Aboriginal heritage legislation with the RMPS would necessarily increase the complexity of the Act.

### Questions:

- ⇒ Is there anything else you would like to see included in Aboriginal heritage legislation in Tasmania?
- ⇒ Are there any other comments that you would like to make with regard to Aboriginal heritage management in Tasmania?

## **Important information regarding your submission**

### **Publication of submissions**

Your submission will be published in accordance with the Tasmanian Government's *Public Submission Policy*, which requires that Government departments publish online all written submissions made in response to broad public consultation on major policy matters.

### **Confidentiality**

Your name (or the name of the organisation) will be published unless you request otherwise.

In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential. In this case, your submission will not be published to the extent of that request.

### **Personal information protection**

Personal information collected from you will be used by DPIPWE for the purpose of acknowledging your submission. Your submission may be published, unless it is marked "confidential". Personal information will be managed in accordance with the *Personal Information Protection Act 2004*.

### **Accessibility of submissions**

The Government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring Government information is accessible and easily understood by people with diverse communication needs. Where possible, please consider typing your submission in plain English and provide it in a format such as Microsoft Word or equivalent. The Government cannot, however, take responsibility for the accessibility of documents provided by third parties.

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### **Useful links**

- [Aboriginal Heritage Act 1975](#)
- [Aboriginal Heritage Act 1975 - Statutory Guidelines](#)
- [Aboriginal Heritage Tasmania](#)
- [Aboriginal Heritage Council](#)



West Point midden – West Coast of Tasmania.



Tasmanian  
Government

Department of Primary Industries, Parks, Water and Environment

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### Aboriginal Heritage Act 1975

Version current from 14 February 2018 to date (accessed 30 July 2019 at 9:54)

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## **Aboriginal Heritage Act 1975**

**An Act to make provision for the preservation of aboriginal relics**

**[Royal Assent 19 February 1976]**

Be it enacted by His 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 I - Preliminary

### 1. Short title and commencement

- (1) This Act may be cited as the Aboriginal Heritage Act 1975 .
- (2) This Act shall commence on a date to be fixed by proclamation.

### 2. Interpretation

- (1) In this Act, unless the contrary intention appears –

**authorized officer** means a police officer or warden;

**container** includes any wrapping;

**conveyance** means any vehicle, vessel, or aircraft, or any other contrivance intended for the carriage of persons or goods over land or water or in the air;

**Council** means the Aboriginal Heritage Council established under section 3 ;

**Crown land** means any land vested in the Crown, whether or not it is subject to any private rights, but does not include any such land that is contracted to be granted in fee simple;

**Director** means the Director of National Parks and Wildlife;

**guidelines** means guidelines issued and in force under section 21A ;

**honorary warden** means an honorary warden appointed under section 16 ;

**land** includes land covered by the sea or other waters, and part of the sea or those waters covering that land;

**protected object** has the meaning assigned to that expression by section 7 (4) ;

**protected site** means an area of land declared to be a protected site under section 7 ;

**small business entity** means a body corporate that is within the meaning of *small business entity* in section 328 –110 of the *Income Tax Assessment Act 1997* of the Commonwealth;

**warden** means a warden appointed under section 15 .

- (2) For the purposes of this Act, any person who has wholly or partly descended from the original inhabitants of Australia is a person of Aboriginal descent.

- (3) For the purposes of this Act, but subject to the following provisions of this section, a relic is –

(a) any artefact, painting, carving, engraving, arrangement of stones, midden, or other object, made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants, which is of significance to the Aboriginal people of Tasmania; or

(b) any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants, which is of significance to the Aboriginal people of Tasmania; or

(c) the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in–

(i) any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or

(ii) a marked grave in any other land.

- (4) Despite subsection (3)(a) or (b) , objects made, or likely to have been made, for the purposes of sale (otherwise than by way of barter or exchange in accordance with Aboriginal tradition) are not relics for the purposes of this Act.

- (5) In any proceedings under this Act in relation to an object alleged to be a relic, the court shall assume the object to be a relic if it is satisfied that there are reasonable grounds for believing that the object is, or may be, a relic.

- (6) References in this Act to the taking or removing of a protected object or relic shall be construed as including references to attempting to take or remove, or assisting in the taking or removing of, that object or relic.
- (7) References in any Act to a public reserve or historic reserve include references to a protected site.
- (8) In this section –

*Aboriginal tradition* means –

- (a) the body of traditions, knowledge, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and
- (b) any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships;

*significance*, of a relic, means significance in accordance with –

- (a) the archaeological or scientific history of Aboriginal people; or
- (b) the anthropological history of Aboriginal people; or
- (c) the contemporary history of Aboriginal people; or
- (d) Aboriginal tradition.

## **PART II - The Aboriginal Heritage Council**

### **3. Establishment of Aboriginal Heritage Council**

- (1) The Aboriginal Heritage Council is established.
- (2) The Council –
  - (a) shall make recommendations to the Minister on any matter in respect of which this Act provides for its making recommendations to him;
  - (ab) shall advise, and make written recommendations to, the Minister in relation to any object, site or place alleged to be a relic under this Act;
  - (b) shall advise, and make recommendations to, the Minister on such other matters in relation to the administration of this Act as it thinks fit;
  - (c) shall make recommendations to the Director on any matter in respect of which this Act provides for its making recommendations to him; and
  - (d) shall, if requested by the Director, advise, and make recommendations to, him in respect of any other matter relating to the exercise of his functions under this Act.
- (2A) For the purposes of providing advice, and making written recommendations, to the Minister under subsection (2)(ab), the Council is to seek information, or professional or expert advice, from any person or body the Council believes on reasonable grounds to have expertise in relation to the matters concerned.
- (3) Without prejudice to the generality of the provisions of subsection (2), where the Minister refers to the Council any matter related to the administration of this Act or the Director refers to it any matter related to the exercise of his functions under this Act, the Council shall consider that matter as soon as practicable and make a report thereon to the Minister or Director with such recommendations as it may consider appropriate in the circumstances.
- (4) Subject to this Act, the Minister may make arrangements to render available to the Council such accommodation and assistance as it may require.
- (5) The Director shall furnish the Council with such information as it may require and is reasonably available to him in connection with the exercise of his functions under this Act.
- (6) In performing its functions under this Act, the Council, where it is appropriate and practicable to do so, is to consult with the Aboriginal people of Tasmania.

### **4. Membership of Council**

- (1) Subject to subsection (2), the Council consists of not more than 10 members appointed –
  - (a) by the Governor on the recommendation of the Minister; and
  - (b) on such terms and conditions as the Minister considers appropriate.
- (2) All members of the Council are to be Aboriginal persons.
- (3) The Minister is to appoint one member of the Council as its Chairperson.

### **5. Powers of Council**

- (1) The Council has –
  - (a) power to do anything necessary or convenient to be done to perform its functions; and
  - (b) such other powers as it is given by this or any other Act.
- (2) Except as provided by this Act or the regulations, the Council may regulate its own proceedings.

### **6.**

. . . . .

## PART III - Declaration and Management, &c., of Protected Sites

### 7. Declaration of protected sites

- (1) Where the Minister is satisfied that there is on or in any land a relic and that steps should be taken to protect or preserve that relic, he may, on the recommendation of the Director, by order declare an area of land within which it is situated to be a protected site.
- (2) The Minister may, on the recommendation of the Director, by order revoke an order made under this section or vary it with respect to the area of land to which it relates.
- (3) An order shall not be made under this section in respect of an area of land (other than an area of Crown land), unless the owner and occupier of the land consent, in writing, to the making of the order.
- (4) An order made under subsection (1) shall specify the relic in respect of which it is made, and a relic so specified, and any part of such a relic and any object forming part of, contained within, or attached to, such a relic or object, is referred to in this Act as *a protected object*.

### 8. Management, &c., of protected sites

- (1) The Director is charged with the management and maintenance of every protected site and the protection and preservation of the protected objects on and in that site.
- (2) Without prejudice to the generality of subsection (1), the Director shall cause to be carried out on a protected site such work as, in his opinion, is necessary or desirable for the purpose of –
  - (a) protecting or preserving a protected object, or any other object, on or in the site and providing and maintaining means of access to any such object or to the site; and
  - (b) restoring or repairing any such object.
- (3) The work referred to in subsection (2) includes –
  - (a) the fencing of a protected site;
  - (b) the erection and maintenance of notices on the site (including notices relating to the site or any object on or in the site or any of the provisions of this Act);
  - (c) the erection and maintenance of cairns or other monuments to mark any object on or in the site; and
  - (d) the provision of such facilities and conveniences for the use or benefit of persons resorting to that site as the Director deems necessary –

but nothing in that subsection authorizes the carrying out of work elsewhere than on such a site, except for the purpose of providing, improving, or maintaining means of access to the site.

- (4) The Director may impose a charge for the use of the facilities and conveniences referred to in subsection (3).
- (5) Notwithstanding subsection (4), where a protected site is not an area of Crown land, no charge may be imposed under that subsection on the owner or occupier of the land.
- (6) If the Director is satisfied that any object on or in a protected site is likely to suffer damage or be destroyed or lost unless it is removed to a place of safety, the Director may cause that object to be removed from the site and may, subject to subsection (7), make such arrangements as he considers suitable for its safe custody or for otherwise dealing with it for the purposes of this subsection.
- (7) The arrangements made by the Director with respect to human remains that are removed by him pursuant to subsection (6) shall be made –
  - (a) after he has caused such scientific or other investigations of those remains to be made as, having regard to the recommendations made by the Council with respect to those investigations, he considers necessary or desirable;
  - (b) after he has considered the recommendations made by the Council with respect to those arrangements; and

(c) subject to the Minister's approval.

(8) The Director may cause examinations to be made of any object in a protected site and may cause explorations to be made of the site, whether by way of the carrying out of excavations or other works or otherwise.

(9) Subject to subsections (7) and (10), the powers of the Director under subsection (6) or subsection (8), so far as they relate to the carrying out of work or the removal of or dealing with objects, shall not be exercised unless the Director has previously informed the Minister.

(10) Where it is impracticable for the Director to inform the Minister before he exercises the powers to which subsection (9) refers, he shall be deemed to comply with that subsection if he notifies the Minister as soon as is reasonably practicable after he exercises those powers.

(11) A person who is authorized, in writing, by the Director may, with such tools and equipment as may be necessary, enter on any land, during the hours of daylight, for the purpose of exercising the powers conferred on the Director by this section.

(12) A person having an estate or interest in any land is entitled to compensation for any loss or injury (whether to the land or any object on the land), or for any decrease in the value of that land, arising from the exercise on that land of any of the powers conferred on the Director by this section, and that compensation shall be of such amount as may be agreed between that person and the Director.

(13) Where there is a dispute between the Director and a person as to the amount of compensation to which that person is entitled under subsection (12), the dispute shall be referred to, and heard and determined by, a magistrate.

(14) Compensation to which a person is entitled under subsection (12) may be recovered as a debt due to him from the Crown.

## 9. Protection of protected sites

(1) Except in accordance with the terms of a permit granted by the Director, no person –

(a) shall destroy, damage, disfigure, conceal, uncover, expose, excavate, or otherwise interfere with a protected object;

(b) shall carry out an act likely to endanger a protected object; or

(c) shall destroy, damage, or deface, or otherwise interfere with any fencing or notice erected, or any other work carried out, in or in respect of a protected site in pursuance of this Act.

(2) Except in accordance with the terms of a permit granted by the Minister on the recommendation of the Director, no person shall remove a protected object from a protected site.

(2A) A person who –

(a) contravenes subsection (1)(a) or (b) in relation to a relic or object, knowing, at the time of the contravention, that it is a protected object; or

(b) contravenes subsection (1)(c) or subsection (2) in relation to a site, knowing, at the time of the contravention, that it is a protected site –

is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, other than a small business entity, a fine not exceeding 10 000 penalty units; or

(b) an individual or a small business entity, a fine not exceeding 5 000 penalty units.

(2B) A person who –

(a) contravenes subsection (1)(a) or (b) in relation to a relic or object and is, at the time of the contravention, reckless or negligent as to whether it is a protected object; or

(b) contravenes subsection (1)(c) or subsection (2) in relation to a site, and is, at the time of the contravention, reckless or negligent as to whether it is a protected site –

is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
  - (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.
- (3) Where an authorized officer has reasonable grounds for believing that a protected object has been removed from a protected site contrary to subsection (2) , he may seize that protected object.
- (4) If, in any proceedings for an offence against a provision of this section, the court is not satisfied that the defendant is guilty of the offence as charged but is satisfied that the defendant is guilty of an offence under another provision of this section in relation to which a lesser maximum fine is prescribed, the court may find the defendant guilty of the other offence.

## **PART IV - General Provisions Relating to Relics, Including Their Vesting in the Crown**

### **10. Duties of persons owning or finding, &c., relics**

(1) Subject to subsection (2) , a person who, at the commencement of this Act –

- (a) owns a relic or has a relic in his custody or under his control; or
- (b) has knowledge of a relic –

shall, within 6 months after that commencement, inform the Director or an authorized officer of the fact.

(2) Without prejudice to the generality of section 25 , the regulations may exempt, or may authorize the Director to exempt –

- (a) any person or class of persons from complying with subsection (1) ; and
- (b) any relic or any class or kind of relics from that subsection –

either unconditionally or subject to such conditions as may be prescribed or as the Director may impose.

(3) A person shall, as soon as practicable after finding a relic, inform the Director or an authorized officer of the find.

(4) It is a defence in any proceedings for an offence under subsection (1) or subsection (3) for the defendant to show that he had reasonable grounds for believing that the Director was aware of the existence of the relic.

(5) A person who has knowledge of the place where a relic is situated shall, when so requested by an authorized officer, inform that officer of the location of that place.

(6) The Director may, by agreement with a person who owns a relic or has a relic in his custody or under his control, take such action as he considers necessary for the preservation, exhibition, study, or scientific or other investigation of the relic.

(7) A person who contravenes, or fails to comply with, any of the provisions of this section is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

### **11. Vesting of certain newly-discovered relics in the Crown**

(1) A relic that, on or after the commencement of this Act –

- (a) is found by any person; or
- (b) is abandoned by any person –

on any Crown land is the property of the Crown.

(2) In subsection (1) ,

*relic* means a relic that is not attached to, or otherwise part of, Crown land.

### **12. Acquisition of relics by the Crown**

(1) Subject to this section, on the recommendation of the Director, the Minister may acquire or accept a relic on behalf of the Crown and a relic so acquired or accepted becomes vested in the Crown.

(2) Without prejudice to the acquisition of a relic under this section by any other means, the Minister may serve notice on the owner of the relic informing him that the relic is required by the Crown and requiring him to deliver the relic to the place specified in the notice, and on the relic being so delivered it vests in and becomes the property of the Crown.



(3) Where a notice has been served on the owner of a relic (in this section referred to as "the previous owner") under subsection (2) , and he satisfies the Minister that it is not practicable for him to deliver the relic to the place specified in the notice given to him under that subsection, he shall give possession of the relic to a person authorized in writing by the Minister to take the relic.

(4) Where a relic becomes vested in the Crown by virtue of subsection (2) , the Minister shall pay to the previous owner its value and the reasonable expenses (if any) incurred by the previous owner in delivering the relic as mentioned in that subsection.

(5) Where there is a dispute between the Minister and the previous owner of a relic as to the value of the relic, or the amount of any such expenses as are referred to in subsection (4) , the dispute shall be referred to, and heard and determined by, a magistrate.

(6) A notice required to be served on any person under this section may be so served by delivering it to him personally or sending it by certified mail addressed to him at his usual or last known place of abode or business.

(7) Where a notice has been served on the owner of a relic, he may apply to a magistrate within one month from the date of the service of the notice for the notice to be quashed on the grounds that –

(a) he is of Aboriginal descent; and

(b) he or his ancestors have had the possession of the relic for a period exceeding 50 years –

and if upon hearing the application the magistrate is satisfied that the grounds have been made out he may quash the notice and thereupon the notice shall cease to be of further effect.

(8) Any person who damages, destroys or disposes of a relic in respect of which a notice has been served under subsection (2) is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or

(b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(9) In this section, **owner**, in relation to a relic, includes the person in possession of the relic.

(10) This section does not authorize the acquisition or acceptance of any land or require the severance of any relic from land.

### 13. Dealing with relics vested in the Crown

(1) Where a relic becomes the property of the Crown under this Act, the Director may cause to be made such scientific or other investigations of the relic as, having regard to the recommendations made by the Council with respect to those investigations, he considers necessary or desirable.

(2) Subject to subsection (4) , the Director may –

(a) after deciding not to cause investigations to be made of a relic pursuant to subsection (1) ; or

(b) after those investigations have been made of a relic –

deal with or dispose of the relic in such manner as the Minister approves.

(3) The Minister shall not exercise the power of approval conferred on him by subsection (2) until he has considered the recommendations made by the Council with respect to the exercise of that power.

(4) Where, after investigations have been made pursuant to subsection (1) of a relic that is the property of the Crown by virtue of an acquisition or acceptance, the Crown does not wish to retain the ownership of the relic, the Director shall cause the relic to be delivered to the person from whom it was acquired or accepted or to his personal representative if he has since died, and on the relic being so delivered it vests in and becomes the property of that person or his estate.

### 14. Protection of relics

(1) Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director –

(a) destroy, damage, deface, conceal, or otherwise interfere with a relic;

- (b) make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting, or other means that involve direct contact with the carving or engraving;
- (c) remove a relic from the place where it is found or abandoned;
- (d) sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
- (e) take a relic, or cause or permit a relic to be taken, out of this State; or
- (f) cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.

(1A) A person who contravenes subsection (1)(a) , (b) , (c) , (d) or (e) in relation to a relic knowing, at the time of the contravention, that it is a relic, is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 10 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 5 000 penalty units.

(1B) A person who contravenes subsection (1)(a) , (b) , (c) , (d) or (e) in relation to a relic and who is, at the time of the contravention, reckless or negligent as to whether it is a relic, is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.

(1C) A person who contravenes subsection (1)(f) is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 2 000 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 1 000 penalty units.

(2) A permit under subsection (1) is of no effect if, to the knowledge of the holder thereof, the relic to which it relates has been acquired or dealt with in contravention of this Act.

(3) This section does not apply to any dealing in land.

(4) Where an authorized officer has reasonable grounds for believing that an offence under –

- (a) this section has been, or is about to be, committed in relation to a relic; or
- (b) subsection (1) (d) , has been, or is about to be, committed in relation to an object other than a relic referred to therein –

he may seize the relic or other object.

(5) Where a person is convicted of an offence under this section in relation to a relic owned by him, the court by which he is convicted may, in addition to or in lieu of imposing any penalty on that conviction, order the relic to be forfeited to the Crown and, on the making of such an order, the relic vests in and becomes the property of the Crown.

(6) If, in any proceedings for an offence against a provision of this section, the court is not satisfied that the defendant is guilty of the offence as charged but is satisfied that the defendant is guilty of an offence under another provision of this section in relation to which a lesser maximum fine is prescribed, the court may find the defendant guilty of the other offence.

## PART V - Provisions Relating to Administration and Enforcement

### 15. Wardens

(1) The Secretary of the Department may appoint to be a warden for the purposes of this Act a State Service officer, or State Service employee, who is employed in the Department, and the State Service officer or State Service employee may hold that office in conjunction with State Service employment.

(1A) The Secretary of the Department, with the consent of the Head of another State Service Agency, may appoint to be a warden for the purposes of this Act a State Service officer, or State Service employee, who is employed in that Agency, and the State Service officer or State Service employee may hold that office in conjunction with State Service employment.

(2) A person appointed as a warden under subsection (1) or (1A) may be so appointed in respect of a specified protected site.

(3) A warden appointed under this section in respect of a particular protected site shall not exercise the powers of a warden conferred on him under this Act otherwise than in respect of that site.

### 16. Honorary wardens

(1) The Secretary of the Department may, subject to such conditions as he thinks fit, appoint persons as honorary wardens to assist authorized officers in the execution of this Act.

(2) A person appointed as an honorary warden under subsection (1) may, subject to subsection (3), be so appointed in respect of a specified protected site.

(3) No person shall be appointed as an honorary warden under subsection (1) in respect of a specified protected site not on Crown land unless the owner and occupier of the site consent, in writing, to the appointment.

(4) An honorary warden appointed under this section in respect of a particular protected site shall not exercise the powers conferred on him under this Act otherwise than in respect of that site.

### 17. Powers of authorized officers and honorary wardens in respect of offences

(1) Where an authorized officer or honorary warden has reasonable grounds for believing that a person has committed, or is committing, an offence against this Act on or in relation to any protected site, or in relation to any protected object, relic, or other thing, he or she may require that person to state his or her name and the address of his or her place of abode.

(2) Where a person who is within any protected site is found offending against a provision of this Act, an authorized officer or honorary warden may require him or her to leave the site.

(3) A person who, when required under this section –

(a) to state his or her name and the address of his or her place of abode, fails or refuses to give his or her full name and that address or gives a name or address that is false; or

(b) to leave any protected site, refuses to do so, or does not do so within a reasonable time –

is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or

(b) an individual or a small business entity, a fine not exceeding 50 penalty units.

### 18. Additional powers of authorized officers

(1) Without prejudice to the powers of seizure contained elsewhere in this Act, where an authorized officer has reasonable grounds for believing that an object is in possession of any person contrary to the provisions of this Act, he may seize that object.

(2) A person who, when required to do so by an authorized officer, refuses to deliver to that officer any object that the officer is entitled to seize under this Act is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(3) A justice may, on the complaint of an authorized officer that the officer has reasonable grounds for believing that there is in or on any premises, conveyance, container, or animal an object that the officer is entitled to seize under this Act, issue a warrant to an authorized officer named in the warrant authorizing him –

- (a) to enter and search those premises or that conveyance;
- (b) to search that container and, if necessary for the purposes of searching it, to open that container; or
- (c) to search any container or other thing carried by that animal and, if necessary for the purposes of searching it, to open that thing.

(4) For the purposes of conducting a search in a conveyance or in respect of an animal pursuant to a warrant under subsection (3), an authorized officer may require that conveyance or animal to be stopped and, if it is on a protected site or on or in any water, he may bring it, or cause or require it to be brought, to some convenient place for the search to be carried out.

(5) For the purpose of facilitating the exercise of his powers pursuant to a warrant under subsection (3) in respect of any premises, conveyance, container, or animal, an authorized officer may require the person apparently in charge of those premises, or that conveyance, container, or animal, or any of his servants or agents, to afford him such assistance as he may require.

(6) A person who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a requirement made of the person by an authorized officer under this section is guilty of an offence.

Penalty: In the case of –

- (a) a body corporate, other than a small business entity, a fine not exceeding 100 penalty units; or
- (b) an individual or a small business entity, a fine not exceeding 50 penalty units.

(7) Subject to subsection (8) an authorized officer may arrest without warrant any person found offending against a provision of this Act who –

- (a) fails or refuses, on demand, to give his full name and the address of his place of abode;
- (b) gives any name or address that the officer has reasonable grounds for believing is false; or
- (ba) refuses to comply with a requirement to leave any protected site or does not do so within a reasonable time; or
- (c) does not deliver up to that officer, on demand, any object in his possession or under his control that the officer is entitled to seize under this Act.

(8) An authorized officer may exercise the power of arrest conferred on him by subsection (7) only if he has reasonable grounds for believing that the purpose of this Act will not be adequately served by proceeding against the offender by summons.

## 19. Procedure on seizure of objects

(1) Where any object has been seized under this Act, it may be retained until the determination of any proceedings that may be instituted in respect of an offence against this Act alleged to have been committed in relation to the object.

(2) Where an object may be retained under subsection (1), it shall be retained in such manner and in such custody as the Director may approve.

(3) Where any object has been seized from any person under this Act and, within 3 months of its seizure, no proceedings have been instituted for such an offence as is referred to in subsection (1), a court of petty sessions, on the application of that person, may direct it to be returned to him and, on the making of that direction, the authority under that subsection to retain the object ceases.

(4) Where an object is seized under section 9 (3) , nothing in this section shall be construed as prejudicing or affecting the rights of the owner of the object or any other person having property therein.

## 20. Defence of carrying out emergency work

It is a defence to a prosecution for an offence under this Act if, in relation to the section of the Act the defendant is alleged to have contravened, it is proved that the act or omission constituting the alleged offence was due to the act of carrying out –

- (a) emergency work in accordance with section 55 of the Electricity Supply Industry Act 1995 ; or
- (b) any other work that is a necessary and proportionate response to an actual or impending emergency that threatens human life or property or threatens to injure any person.

## 21. Defence of compliance with guidelines

(1) It is a defence to a prosecution for an offence under section 9 or 14 if, in relation to the section of the Act which the defendant is alleged to have contravened, it is proved –

- (a) that, in so far as is practicable –
    - (i) the defendant complied with the guidelines; or
    - (ii) it was reasonable in the circumstances for the defendant to rely on another person's compliance with the guidelines; or
  - (b) that the act or omission constituting the alleged offence was due to an act or default of another person; or
  - (c) that, in so far as it was reasonable to do so in the circumstances, the defendant relied on information supplied by another person.
- (2) In this section –
- another person*** does not include a person who was –
- (a) an employee or agent of the defendant; or
  - (b) in the case of a defendant that is a body corporate – a director, employee or agent of the defendant.

## 21A. Guidelines

- (1) The Minister must issue guidelines specifying the actions to be undertaken by a person for the purpose of establishing a defence in accordance with section 21 .
- (2) The Minister may –
  - (a) amend the guidelines; or
  - (b) revoke the guidelines and substitute new guidelines.
- (3) The guidelines –
  - (a) may be made so as to apply differently according to such factors as are specified in the guidelines; and
  - (b) may adopt, either wholly or in part and with or without modification, either specifically or by reference, any standards, rules, codes, guidelines or other documents (whether published or issued before or after the commencement of this section); and
  - (c) are not statutory rules for the purposes of the Rules Publication Act 1953 ; and
  - (d) are not subordinate legislation for the purposes of the Subordinate Legislation Act 1992 .
- (4) A reference in subsection (3)(b) to standards, rules, codes, guidelines or other documents includes a reference to an amendment of those standards, rules, codes, guidelines or other documents, whether the amendment is published or issued before or after the commencement of this section.
- (5) In issuing guidelines, amending guidelines or revoking and substituting guidelines, the Minister may consult with any person he or she considers appropriate.

(6) The guidelines take effect on a day specified in the guidelines as the day on which the guidelines are to take effect.

(7) An amendment of guidelines, or a revocation and substitution of guidelines, takes effect on a day specified in the guidelines as the day on which the amendment, or the revocation and substitution, is to take effect.

(8) The Minister must cause guidelines, an amendment of guidelines or substituted guidelines to be laid before each House of Parliament within the first 5 sitting-days of that House after the day on which the guidelines, the amendment of guidelines or the substituted guidelines take effect.

(9) Either House of Parliament may pass a resolution disallowing guidelines, an amendment of guidelines or substituted guidelines within 5 sitting-days after the guidelines, the amendment of guidelines or the substituted guidelines have been laid before it.

(10) If a House of Parliament passes a motion to disallow guidelines, an amendment of guidelines or substituted guidelines under subsection (9) –

(a) the guidelines, amendment of guidelines or substituted guidelines are void on and from the date of the passing of the motion of disallowance; but

(b) the passing of the motion of disallowance does not affect the validity of anything done under the guidelines, the amendment of guidelines or the substituted guidelines before the date of the passing of that motion.

(11) If at the expiration of 5 sitting-days after the guidelines, an amendment of guidelines or the substituted guidelines are laid before either House of Parliament, no notice has been given of a motion to disallow the guidelines, the amendment of guidelines or the substituted guidelines, or, if such notice has been given, the notice has been withdrawn or the motion has been negated, the guidelines, the amendment of guidelines or the substituted guidelines are taken to have been confirmed by that House.

(12) The Minister is to ensure that the guidelines, as in force, are published on the website of the Department and made available to the public in any other manner the Minister considers appropriate.

## **21B. Time for commencing prosecution**

(1) A prosecution under this Act must be commenced –

(a) not later than 2 years after the date on which the offence is alleged to have been committed; or

(b) not later than 2 years after the date on which evidence of any act or omission constituting the offence first came to the attention of any authorized officer.

(2) Subsection (1) has effect despite section 26 of the Justices Act 1959 or any other law.

## PART VI - Miscellaneous

### 22. Expenses of Act

- (1) All moneys received by the Director under this Act shall be paid into the Consolidated Fund.
- (2) The expenses incurred in the administration of this Act shall be defrayed out of moneys provided by Parliament for the purpose.

### 23. Review of Act

- (1) The Minister is to review this Act within 3 years after the day on which this section commences.
- (2) The Minister is to cause a report on the outcome of the review to be tabled in each House of Parliament within 6 months after the third anniversary of the day on which this section commences.

### 24. Act does not affect operation of certain other Acts

Nothing in this Act affects the operation of section 139 of the Criminal Code Act 1924 or the Coroners Act 1995 .

### 25. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without prejudice to the generality of subsection (1) , the regulations may make provision with respect to the care, control, and management of protected sites.
- (3) Without prejudice to the generality of subsection (2) , regulations under that subsection may make provision with respect to –
  - (a) the protection or preservation of protected objects or the property or other things on protected sites;
  - (b) the prevention of damage or injury to those sites or any protected objects, property, or other things thereon;
  - (c) the protection or preservation of the fauna or flora contained in those sites;
  - (d) the prohibition or control of the removal of any property or other things (not being protected objects) from protected sites;
  - (e) the prohibition or control of the bringing into, or over, or the use or possession in or over, protected sites of conveyances or any other things (including living things);
  - (f) the conduct of persons in protected sites;
  - (g) the exclusion or ejection of persons from protected sites or any part thereof; and
  - (h) the making and collection of charges for admission to protected sites or any part thereof.
- (4) Regulations made for the purposes of this section –
  - (a) may confer powers and discretions on the Director and on authorized officers, honorary wardens, and other prescribed persons in relation to any matters referred to in those regulations; and
  - (b) may impose fines, not exceeding 10 penalty units, in respect of contraventions of the regulations.
- (5) The powers referred to in subsection (4) include power, in such cases or circumstances as may be prescribed, to seize creatures found in a protected site.
- (6) Any regulations made under this section may apply to protected sites generally or to any specified protected site.
- (7) Regulations made under this section do not prohibit the doing of anything in a protected site that is not Crown land by the owner or occupier thereof, or of any person acting on his authority, that he would have been entitled to do if those regulations had not been made.





## TASMANIA

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### CAT MANAGEMENT AMENDMENT BILL 2019

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## CAT MANAGEMENT AMENDMENT BILL 2019

*(Brought in by the Minister for Primary Industries and Water,  
the Honourable Guy Barnett)*

### A BILL FOR

#### **An Act to amend the *Cat Management Act 2009***

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 *Cat Management Amendment Act 2019*.

#### **2. Commencement**

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

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

In this Act, the *Cat Management Act 2009*\* is referred to as the Principal Act.

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

Section 4 of the Principal Act is amended as follows:

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(a) by omitting the definition of *care agreement*;

(b) by inserting the following definition after the definition of *cat*:

***cat breeding permit*** means a cat breeding permit issued under section 31;

(c) by omitting paragraph (b) from the definition of *cat management facility*;

(d) by omitting “temporarily, as prescribed, or” from the definition of *desex*;

(e) by inserting the following definition after the definition of *desex*:

***domestic cat*** means a cat that a person may, on reasonable grounds, believe to be currently owned;

(f) by omitting the definition of *feral cat* and substituting the following definition:

***feral cat*** means a cat that lives largely or entirely removed from humans in the wild and does not depend for its survival on humans intentionally providing food, water or shelter;

(g) by inserting the following definition after the definition of *function*:

***general manager***, in relation to a municipal area, means the general

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manager, appointed under the  
*Local Government Act 1993*, of  
the council for the municipal  
area;

- (h) by inserting the following definition after the definition of *microchipped*:

***multiple cat permit*** means a multiple  
cat permit issued under  
section 16A;

- (i) by inserting the following definitions after the definition of *owner*:

***premises*** includes –

- (a) land; and
- (b) a building or part of a building; and
- (c) a structure or part of a structure; and
- (d) fences, walls, outbuildings and other appurtenances of a structure;

***private premises*** means premises that  
are not a public place;

- (j) by inserting the following definition after the definition of *regulations*:

***requirement notice*** means a notice  
issued under section 38A;

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- (k) by inserting the following definition after the definition of *sell*:

***specified premises***, in relation to an application for a multiple cat permit or cat breeding permit made under this Act, means the premises in relation to which the application is made;

- (l) by omitting the definition of *stray cat* and substituting the following definition:

***stray cat*** means a cat that is not a domestic cat but lives in close proximity to humans and may receive from them some food, water or shelter and be accustomed to their presence;

**5. Section 4A inserted**

After section 4 of the Principal Act, the following section is inserted in Part 1:

**4A. Breeding of cats**

- (1) For the purposes of this Act, a person breeds a cat if the person allows –
- (a) the cat to be impregnated; or
  - (b) the cat to impregnate another cat.
- (2) Without limiting the generality of subsection (1), for the purposes of this Act, a person allows a cat to be

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impregnated, or to impregnate another cat, if the cat is allowed by the person –

- (a) to be at large, resulting in the cat being impregnated by, or impregnating, another cat; or
  - (b) to be with another cat for the purpose of mating, resulting in impregnation of either of the cats.
- (3) For the purpose of this section, a cat is at large if it is –
- (a) in a public place and not restrained; or
  - (b) on private premises without the consent of the occupier of the premises.

**6. Section 7 amended (Powers of authorised persons)**

Section 7(c) of the Principal Act is amended by inserting “trap,” after “may”.

**7. Section 8A inserted**

After section 8 of the Principal Act, the following section is inserted in Part 2:

**8A. Collection and analysis of a sample from a cat**

- (1) In this section –

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***approved person*** means a person approved under subsection (2)(a);

***intimate sample*** means a sample of the blood of a cat;

***non-intimate sample*** means a sample of the saliva, cheek cells, fur, faeces or urine of a cat;

***qualified person*** means a person approved under subsection (2)(b);

***sample***, in relation to a cat, means an intimate or non-intimate sample taken from the cat.

- (2) The Secretary or a general manager may approve –
- (a) a person to collect a non-intimate sample from a cat; and
  - (b) a person to conduct the analysis of a sample collected in accordance with this section.
- (3) An authorised person who believes, on reasonable grounds, that an offence under section 29 has been committed in relation to a cat, may request that the Secretary, or a general manager of a council for the municipal area in which the cat is situated, authorise the collection of a sample from the cat for the purposes of determining whether the



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offence was committed in relation to the cat.

- (4) If the Secretary or a general manager receives a request under subsection (3) in relation to a cat, he or she may authorise —

- (a) an approved person to collect a non-intimate sample from the cat; or
- (b) a veterinary surgeon to collect an intimate or non-intimate sample from the cat.

- (5) If an approved person or a veterinary surgeon is authorised under subsection (4) to collect a sample from a cat —

- (a) the authorised person who made a request under subsection (3) in respect of the cat may do one or more of the following:
  - (i) seize the cat and detain it for as long as is required for the approved person or veterinary surgeon to collect the sample as authorised;
  - (ii) if, in the opinion of the authorised person, the cat is aggressive or difficult to manage, direct the

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owner of the cat to accompany the authorised person, together with the cat, to a place where the sample may safely be collected;

(iii) direct the owner to produce the cat for the purposes of allowing the sample to be collected as authorised; and

(b) the approved person or veterinary surgeon may collect such a sample from the cat as authorised.

(6) If a sample is collected from a cat in accordance with an authorisation under subsection (4), the authorised person who made the request under subsection (3) in relation to the cat is to ensure that –

(a) the owner of the cat is advised, before, or as soon as reasonably practicable after, the sample is collected, that the sample is collected for the purpose of analysis; and

(b) both –

(i) a person nominated in writing by the owner of the cat, if such a person is so nominated; and

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(ii) a qualified person –

are each provided with a part of  
the sample that is sufficient for  
analysis.

(7) The Secretary or a general manager may  
authorise a qualified person to conduct  
analysis of a sample that has been  
collected in accordance with  
subsection (5)(b).

(8) A person must not –

(a) obstruct, hinder, delay, impede or  
threaten an approved person,  
qualified person or veterinary  
surgeon acting in accordance with  
this section; or

(b) disobey a direction given by an  
authorised person under this  
section.

Penalty: Fine not exceeding 50 penalty  
units

**8. Section 10 amended (Hindering authorised persons,  
&c.)**

The penalty under section 10 of the Principal Act  
is amended by omitting “20” and substituting  
“50”.

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**9. Section 12 amended (Microchipping of cats)**

Section 12(1) of the Principal Act is amended as follows:

- (a) by omitting “6 months of age is to” and substituting “4 months of age must”;
- (b) by inserting the following penalty after subsection (1):

Penalty: Fine not exceeding 20 penalty units.

**10. Section 14 amended (Desexing of cats)**

Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “6 months of age is to” and substituting “4 months of age must”;
- (b) by inserting the following penalty after subsection (1):

Penalty: Fine not exceeding 20 penalty units.

- (c) by omitting from subsection (2)(b) “breeder” and substituting “breeder or the holder of a valid cat breeding permit in relation to the cat”;
- (d) by omitting from subsection (2)(c) “a prescribed cat” and substituting “a member of a prescribed class of cats”;

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(e) by omitting subsection (3) and substituting the following subsection:

(3) A cat that is desexed is to be identified by a prescribed mark that is permanently marked inside the left ear of the cat.

(f) by omitting from subsection (4) “as being desexed” and substituting “in accordance with subsection (3)”.

**11. Section 15 amended (Sale, &c., of cats)**

Section 15(1) of the Principal Act is amended as follows:

(a) by omitting paragraph (b) and substituting the following paragraph:

(b) that is not microchipped, unless a certificate has been issued under section 12(2) in respect of the cat; or

(b) by omitting from paragraph (c) “in accordance with the Act”;

(c) by omitting subparagraph (iii) from paragraph (c) and substituting the following subparagraph:

(iii) the purchaser is the holder of a valid cat breeding permit in relation to the cat; or

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(d) by omitting paragraph (e) and substituting the following paragraph:

(e) that does not attain a satisfactory result in relation to all health checks prescribed for the purposes of this section.

**12. Part 3A inserted**

After section 15 of the Principal Act, the following Part is inserted:

**PART 3A – KEEPING OF CATS**

**16. Limit on number of cats kept**

(1) In this section –

*cat boarding facility* means a premises operated by, or on behalf of, an organisation that –

- (a) is run for profit; and
- (b) as part of its operation, provides, for profit, overnight accommodation for cats;

*consideration* includes monetary or non-monetary consideration;

*veterinary establishment* has the same meaning as in the *Veterinary Surgeons Act 1987*.

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- (2) A person must not keep, for any period of time, on any premises, more than 4 cats that are more than 4 months of age.

Penalty: Fine not exceeding 20 penalty units.

- (3) Subsection (2) does not apply to any cat in excess of 4 cats if –

- (a) the person keeping the cat holds a valid multiple cat permit in relation to the cat; or
- (b) the person keeping the cat is a registered breeder; or
- (c) the person keeping the cat holds a valid cat breeding permit; or
- (d) the cat is being kept at a cat boarding facility or veterinary establishment; or
- (e) the person keeping the cat is fostering the cat as part of a foster program managed by a cat management facility or an approved organisation; or
- (f) the cat is being kept on the premises for less than 6 months and –
  - (i) the cat is owned by a person who does not

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usually reside on the premises; and

(ii) the period that the cat is to be kept on the premises is agreed upon, by both the owner of the cat and the person with responsibility for the premises, before the cat is left at the premises; and

(iii) no consideration has been or is to be paid, in respect of the cat staying on the premises, to the person with responsibility for the premises.

**16A. Keeping more than 4 cats**

(1) A person may apply to the Secretary, or the general manager of the council for the municipal area in which the cats are situated, for a permit to keep more than 4 cats (a *multiple cat permit*).

(2) An application made under subsection (1) is to –

(a) include details of –

(i) all cats that the person intends to keep, referenced by the number



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encoded on the microchip  
implanted in each cat; and

(ii) the specified premises;  
and

(b) be accompanied by the approved  
fee, if any.

(3) If –

(a) there is a right to object under  
subsection (5); or

(b) the Secretary, or a general  
manager, to whom an application  
is made under subsection (1) so  
requires –

an applicant must publish a notice, in a  
prescribed manner, stating –

(c) the intention to apply for a  
multiple cat permit; and

(d) the address and details of the  
specified premises and the  
number of cats to which the  
application relates.

Penalty: Fine not exceeding 20 penalty  
units.

(4) In considering an application made under  
subsection (1) –

(a) to the Secretary, the Secretary  
must consult with the general

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manager of the council for the municipal area in which the specified premises are situated; and

- (b) to a general manager, the general manager must consult with the Secretary.
- (5) A person may object to the granting of a multiple cat permit if the person resides on, or owns, land within 200 metres of the specified premises to which the application for the permit relates.
- (6) An objection made under subsection (5) is to –
  - (a) be in writing; and
  - (b) set out the reasons for the objection; and
  - (c) be given to the Secretary, or the general manager, to whom the application to which the objection relates was made, within 14 days after a notice is published under subsection (3) in relation to the application.
- (7) If a notice is required to be published under subsection (3), in relation to an application made to the Secretary or general manager, the Secretary or general manager, respectively, is –

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- (a) not to consider an application for a multiple cat permit until 14 days after the notice is published; and
  - (b) to take into account objections made under subsection (5), if any.
- (8) The Secretary, or general manager, may –
  - (a) grant an application made under subsection (1) to him or her, subject to any conditions he or she thinks fit, if satisfied that –
    - (i) the applicant is a fit and proper person to hold a multiple cat permit; and
    - (ii) it is appropriate in all the circumstances; or
  - (b) refuse an application made under subsection (1) to him or her, if not so satisfied.
- (9) If the Secretary, or general manager, grants an application made under subsection (1), he or she is to issue a permit in writing to the applicant.
- (10) A permit must not be issued in contravention of a by-law made in accordance with section 43.

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- (11) A permit issued under subsection (9) may be in the form that the Secretary or general manager respectively, determines, but is to, at least, specify –
- (a) the maximum number of cats that may be kept on specified premises and the number encoded on the microchip with which each cat is implanted; and
  - (b) any conditions to which the permit is subject; and
  - (c) the date on which the permit expires.
- (12) The Secretary, or a general manager, may, by notice to the holder of a multiple cat permit, issued by the Secretary or general manager respectively, vary the permit at any time, including any condition of the permit, if satisfied that there are reasonable grounds to do so.
- (13) If the Secretary, or general manager, refuses an application made under subsection (1), he or she is to provide the applicant with notice of the refusal and written reasons for the refusal.

**16B. Cancellation of multiple cat permit**

- (1) The Secretary, or a general manager, may, by notice in writing served on the holder of a multiple cat permit issued by

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the Secretary, or the general manager, respectively, cancel the multiple cat permit from a day specified in the notice that is not less than one month after the notice is served on the holder of the permit.

- (2) The Secretary, or a general manager, may only cancel a multiple cat permit under subsection (1) if satisfied that –
- (a) the provisions of this Act or any other relevant Act are not being complied with; or
  - (b) any condition of the permit is not being complied with; or
  - (c) the situation or condition of the premises on which the relevant cats are being kept is such that the cats are creating a nuisance; or
  - (d) it is in the public interest that the permit be cancelled.
- (3) Before cancelling a multiple cat permit, the Secretary, or general manager, is to –
- (a) give to the holder of the permit one month's notice in writing to make submissions as to why the permit should not be cancelled; and

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- (b) consider the submissions made under subsection (4), if any, by the holder of the permit.
- (4) The holder of a multiple cat permit may, within one month after notice is given by the Secretary or general manager under subsection (1) to the person, make to the Secretary, or general manager, respectively, submissions as to why the permit should not be cancelled.
- (5) A multiple cat permit is cancelled on and from the day specified in a notice given under subsection (1) in relation to the permit as the day on which the permit is cancelled.

**16C. Review of decision**

A person who is aggrieved by a decision of the Secretary, or a general manager, under this Part may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision.

**13. Section 16 repealed**

Section 16 of the Principal Act is repealed.

**14. Section 17 substituted**

Section 17 of the Principal Act is repealed and the following section is substituted:

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**17. Protection of property from cats**

(1) In this section –

***primary production land*** has the same meaning as in the *Land Tax Act 2000*;

***production premises*** means premises used –

(a) in relation to –

(i) agriculture; or

(ii) horticulture; or

(iii) viticulture; or

(iv) aquaculture; or

(b) for the preparation or storage, for commercial purposes, of food for humans or animals; or

(c) as an abattoir –

or for any associated purposes.

(2) A person who owns or leases premises, or a person acting on behalf of such a person, may trap, seize or detain a cat found on the premises.

(3) If a person sets a trap with the intention of trapping a cat in accordance with subsection (2), the person must check the

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trap, and remove any animals contained in the trap, at least once within every 24 hour period after first setting the trap.

- (4) If a person sets a trap with the intention of trapping a cat in accordance with subsection (2), and the setting of that trap results in the detention of an animal other than a cat, the person must release that animal as soon as practicable.
- (5) A person who traps, seizes or detains a cat under subsection (2) may –
  - (a) if the owner of the cat is known to the person, arrange for the return of the cat to the owner; or
  - (b) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a cat management facility.
- (6) A person, within 24 hours after trapping, seizing or detaining a cat under subsection (2), must take an action under subsection (5)(a) or (b) in relation to the cat.

Penalty: Fine not exceeding 100 penalty units.

- (7) The following persons may humanely destroy any cat found on primary production land or at production premises, whether or not any part of the



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land or premises is used as a place of residence:

- (a) a person managing primary production on the land;
  - (b) a person who is the occupier of the premises;
  - (c) a person acting on behalf of a person specified in paragraph (a) or (b).
- (8) A person may humanely destroy a cat found on his or her private land –
- (a) if the land is more than one kilometre from any place used as a place of residence; or
  - (b) in prescribed circumstances.

**15. Section 18 amended (Cats in prohibited areas)**

Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (5) “An authorised person or other person” and substituting “A person”;
- (b) by omitting from subsection (5) “, as soon as practicable after trapping, seizing or detaining the cat”;
- (c) by inserting the following subsection after subsection (5):

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(6) A person responsible for a prohibited area, or a person acting on behalf of such a person, within 24 hours after trapping, seizing or detaining a cat under this section, must –

(a) take an action under subsection (5)(a) or (b) in relation to the cat; or

(b) humanely destroy the cat.

Penalty: Fine not exceeding 100 penalty units.

**16. Sections 19, 20 and 21 substituted**

Sections 19, 20 and 21 of the Principal Act are repealed and the following sections are substituted:

**19. Declaration of prohibited area**

A council may declare an area of land within the authority of the council to be an area where cats are prohibited.

**20. Declaration of cat management area**

- (1) A council may declare an area of land within the municipal area of the council to be an area within which measures may be taken in respect of cats.
- (2) For the purposes of this section, a measure in respect of a cat may include a

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cat management action as defined in section 18(1).

**21. Proposal for council declaration**

- (1) A council that proposes to make a declaration under section 19 or 20 in relation to an area of land is to publish a notice specifying –
- (a) the area of land; and
  - (b) the proposed restrictions or activities relating to the use of the area of land; and
  - (c) the reasons for the proposed declaration; and
  - (d) that submissions as to the proposed declaration may be made to the council within 15 working days after the notice is published.
- (2) A notice under subsection (1) may be published in one or more of the following ways:
- (a) in a newspaper circulating generally in the municipal area of the council;
  - (b) in a document delivered to persons whom the council considers likely to be affected by the declaration if made;

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- (c) on a website maintained by or on behalf of the council;
  - (d) in a prescribed manner.
- (3) A person may, within 15 working days after a notice is published under subsection (1), make a submission in writing to the council.
- (4) The council is to consider submissions made under subsection (3), if any, before making a declaration under section 19 or 20.

**21A. Council declaration**

- (1) A declaration made under section 19 or 20 takes effect on the day specified in it, being a day that is at least 10 days after the declaration is notified by –
- (a) a notice published in the *Gazette*; and
  - (b) a notice published –
    - (i) on a website maintained by or on behalf of the council publishing the notice; or
    - (ii) in a newspaper, circulating generally in the municipal area of the council,

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- (2) A notice published under subsection (1) is to –
- (a) in the case of a declaration under section 19 –
    - (i) clearly specify the area that is to be a prohibited area for cats; and
    - (ii) state the period for which the declaration is in force; and
  - (b) in the case of a declaration under section 20 –
    - (i) clearly specify the area within which measures may be taken in respect of cats; and
    - (ii) specify the types of measures being undertaken in that area; and
    - (iii) specify the person or organisation who is undertaking those measures; and
    - (iv) state the period for which the declaration remains in force.

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- (3) The council may amend or revoke a declaration made under made under section 19 or 20 by notice published in accordance with subsection (1)(a) and (b).

**17. Section 23 amended (Notification where owner identified)**

Section 23 of the Principal Act is amended as follows:

- (a) by omitting “and” first occurring and substituting “or”;
- (b) by omitting from paragraph (d) “may be” and substituting “is”;
- (c) by omitting from paragraph (d) “the” second occurring.

**18. Section 24 amended (Reclaiming cats)**

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “is to” and substituting “must”;
- (b) by inserting the following penalty after subsection (2):

Penalty: Fine not exceeding 10 penalty units.

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(c) by omitting subsection (4) and substituting the following subsection:

(4) An owner must not reclaim a cat that is not –

(a) microchipped, unless the owner produces a certificate issued under section 12(2) in respect of the cat; and

(b) desexed, unless –

(i) the owner is a registered breeder; or

(ii) the owner produces a certificate issued under section 14(2)(a) in respect of the cat; or

(iii) the owner provides evidence that arrangements have been made with a veterinary surgeon for the desexing of the cat.

Penalty: Fine not exceeding 20 penalty units.

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**19. Section 25 amended (Unidentified, unclaimed and surrendered cats)**

Section 25 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “working”;
- (b) by omitting from subsection (2) “working”.

**20. Section 28 amended (Humane destruction of cats)**

The penalty under section 28(2) of the Principal Act is amended by omitting “20” and substituting “100”.

**21. Section 29 amended (Restriction on breeding of cats)**

Section 29 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
  - (1) A person must not breed a cat unless he or she –
    - (a) is a registered breeder; or
    - (b) holds a valid cat breeding permit in relation to the cat.



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Penalty: Fine not exceeding 50  
penalty units

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

(3) Subsection (1) does not apply if a  
person applies for a cat breeding  
permit as soon as practicable after  
becoming aware that –

(a) a cat kept by the person  
has been bred; and

(b) the breeding of the cat has  
resulted in the  
impregnation of a cat.

**22. Sections 30, 31 and 32 substituted**

Sections 30, 31 and 32 of the Principal Act are  
repealed and the following sections are  
substituted:

**30. Registration of cat breeders**

(1) A person who is a member of a cat  
organisation specified in a notice  
published by the Secretary in the *Gazette*  
is taken to be a registered breeder for the  
purposes of this Act.

(2) A person who is not a registered breeder  
must not hold himself or herself out to be  
a registered breeder.

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Penalty: Fine not exceeding 20 penalty units.

**31. Permit to breed a cat**

- (1) A person may apply to the Secretary, or to the general manager of the council for the municipal area in which the cat is situated, for a permit to breed a cat (a ***cat breeding permit***).
- (2) An application for a cat breeding permit is to be accompanied by the prescribed fee, if any.
- (3) The Secretary or general manager may –
  - (a) grant an application made to the Secretary or general manager, respectively, under subsection (1), subject to any conditions he or she thinks fit; or
  - (b) refuse an application made to the Secretary or general manager, respectively, under subsection (1).
- (4) For the purposes of subsection (3), conditions on a permit may include conditions relating to the sale or management of any kitten that might result from the breeding of the cat.
- (5) If the Secretary, or general manager, grants an application made under

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subsection (1), he or she is to issue a permit in writing to the applicant.

- (6) A permit issued under subsection (5) may be in the form that the Secretary or general manager respectively, determines, but is to, at least, specify –
- (a) the name and usual residential address of the owner of the cat to which the permit relates; and
  - (b) the cat to which the permit relates, by reference to the number encoded on the microchip implanted in the cat; and
  - (c) the specified premises on which the cat is to be kept; and
  - (d) any conditions to which the permit is subject; and
  - (e) the expiry date of the permit.
- (7) The Secretary, or general manager, may, by notice to the holder of a cat breeding permit issued by the Secretary or general manager respectively, vary the permit at any time, including any condition of the permit, if satisfied that there are reasonable grounds to do so.
- (8) If the Secretary, or general manager, refuses an application made under subsection (1), he or she is to provide the

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applicant with notice of the refusal and  
written reasons for the refusal.

**32. Cancellation of cat breeding permit**

- (1) The Secretary, or a general manager, may, by notice in writing served on the holder of a cat breeding permit issued by the Secretary, or the general manager, respectively, cancel the cat breeding permit from a day specified in the notice that is not less than one month after the notice is served on the holder of the permit.
- (2) The Secretary, or a general manager, may only cancel a cat breeding permit under subsection (1) if satisfied that –
  - (a) the provisions of this Act or any other relevant Act are not being complied with; or
  - (b) any condition of the permit is not being complied with.
- (3) Before cancelling a cat breeding permit, the Secretary, or general manager, is to –
  - (a) give to the holder of the permit one month's notice in writing to make submissions as to why the permit should not be cancelled; and

- (b) consider the submissions made under subsection (4), if any, by the holder of the permit.
- (4) The holder of a cat breeding permit may, within one month after notice is given by the Secretary or general manager under subsection (1) to the person, make to the Secretary, or general manager, respectively, submissions as to why the permit should not be cancelled.
- (5) A cat breeding permit is cancelled on and from the day specified, in a notice given under subsection (1) in relation to the permit, as the day on which the permit is cancelled.

**23. Section 33 amended (Review of decisions)**

Section 33 of the Principal Act is amended by inserting “, or a general manager,” after “Secretary”.

**24. Section 37 substituted**

Section 37 of the Principal Act is repealed and the following section is substituted:

**37. Cats not to be abandoned**

- (1) In this section –

*abandon* in relation to a cat, includes to relinquish the care or charge of the cat without ensuring that

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another person has, or will immediately take, care or charge of the cat.

- (2) Except in accordance with this Act, a person must not abandon a cat.

Penalty: Fine not exceeding 20 penalty units.

**25. Sections 38A and 38B inserted**

After section 38 of the Principal Act, the following sections are inserted in Part 8:

**38A. Requirement notice**

- (1) If an authorised person believes, on reasonable grounds, that a person is failing or has failed to comply with a provision of this Act, the authorised person may serve a requirement notice on the person.
- (2) A requirement notice served on a person is to –
- (a) be in an approved form; and
  - (b) specify reasonable measures the person is to take to rectify the failure; and
  - (c) specify the period in which those measures are to be taken; and

- (d) state that there is, under section 38B, a right of appeal against the requirement notice.
- (3) An authorised person, by notice served on the person on whom a requirement notice is served, may –
  - (a) revoke the requirement notice; or
  - (b) amend the requirement notice.
- (4) A person on whom a requirement notice is served must comply with the notice.

Penalty: Fine not exceeding 100 penalty units.

**38B. Appeal against requirement notice**

- (1) A person may appeal to a magistrate against a requirement notice issued under section 38A.
- (2) An appeal is to be –
  - (a) made within 7 days after the issue of the requirement notice; and
  - (b) in an approved form; and
  - (c) accompanied by the prescribed fee, if any.
- (3) In hearing an appeal, a magistrate may make one or more of the following orders:

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- (a) that the requirement notice be complied with;
- (b) that the requirement notice be amended under section 38A(3)(b), as specified in the order;
- (c) that the requirement notice be revoked under section 38A(3)(a).

**26. Section 45 amended (Regulations)**

Section 45(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (f) “or desexing” after “breeding”;
- (b) by inserting the following paragraphs after paragraph (i):
  - (ia) any obligations in respect of holders of multiple cat permits or cat breeding permits;
  - (ib) any requirements or practices in respect of the declaration of prohibited areas or cat management areas;

**27. Repeal of Act**

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



# Draft Cat Management Amendment Bill 2019

## Frequently Asked Questions

### Q1. Why do we need amendments to the current legislation?

Cats are an important part of our lives as companion animals and are very much part of families and the Tasmanian community.

The [Cat Management Act 2009](#) in its current form, lacks effectiveness in a number of key areas, including the key objective of encouraging responsible cat ownership.

The amendments will make the Act clearer to interpret, easier to administer and implement, provide significant benefits to the public and will provide for consistent regulation of cat management that meets the expectations of the Tasmanian community.

### Q2. What legislative amendments are proposed?

The amendments include:

- Compulsory desexing of owned pet cats from four months of age;
- Compulsory microchipping of owned pet cats from four months of age;
- Limiting to four, the number of cats that can be kept at a property without a permit;
- Increased measures to protect private land from straying and feral cats;
- Improved arrangements for registered cat breeders;
- Removal of the option of a Care Agreement on sale of a cat;
- Commence Section 24 of the Act that requires a cat to be microchipped and desexed before being released from a cat management facility; and
- A number of minor administrative amendments to improve operation of the Act.

### Q3. How will the Draft Cat Management Amendment Bill 2019 be made available for public and stakeholder comment?

The [Draft Cat Management Amendment Bill 2019](#) will be available for public and stakeholder comment from 31 August 2019 until 4 October 2019. The relevant documents and details of how to make a submission are available on the DPIPW website.

### Q4. Will I be required to register my cat?

Cats will not be required to be registered with State Government.

However, microchipping will become compulsory for all cats over the age of four months. The details of the owner and the cat will be required to be entered into a microchip database and kept current, so a lost cat can be re-united with its owner.

A local council will be able to create a by-law requiring registration within its municipality.

### Q5. Will the State Government be subsidising the cost of microchipping and desexing my cat?

Microchipping and desexing are the responsibility of the owner of a cat. Discounted microchipping and desexing of cats is offered by a number of vets and cat management facilities across Tasmania. Currently, in Tasmania a cat that is not desexed or microchipped cannot be sold, which includes to give away. These amendments make it clear that microchipping and desexing of cats is a positive obligation with regards responsible ownership and applies in all circumstances.

<b>Q6. Will there be a transition period before compulsory microchipping and desexing is required?</b>
<p>Yes. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.</p> <p>Those parts of the legislation that require a transition period will not be proclaimed (become law) until the transition period is completed.</p>
<b>Q7. Will it be compulsory for owners to contain their cat(s) to their property?</b>
<p>The Act will not require cat owners to contain their cat(s) to their property. However, responsible cat ownership will be encouraged through public awareness programs. Changes to the protection of private property will mean that a roaming cat may be trapped if it is found on someone else's land.</p> <p>Councils retain their existing power to make by-laws or establish cat management areas with measures that encourage owners to keep their cats within their property.</p>
<b>Q8. Will landowners in urban areas be allowed to trap cats?</b>
<p>Trapping and seizure of cats will be allowed on private land regardless of the proximity to other residences. Landholders who set traps will be required to check traps daily and return seized cats to the owner if known, or take seized cats to a cat management facility within 24 hours of capture.</p>
<b>Q9. What is a cat management facility? Where are they located?</b>
<p>Currently there are three organisations approved under the <i>Cat Management Act 2009</i> to operate cat management facilities:</p> <ul style="list-style-type: none"> <li>• <a href="#">RSPCA Tasmania</a></li> <li>• <a href="#">Ten Lives Cat Centre</a></li> <li>• <a href="#">Just Cats Tasmania</a></li> </ul> <p>Each of these organisations are non-government and also operate re-homing and fostering programs for unwanted or abandoned cats.</p> <p>The RSPCA operates a facility at Spreyton, the Ten Lives Cat Centre is located in Hobart and Just Cats has a surrender facility at Mowbray and an adoption centre in Longford.</p> <p>Councils that have facilities for handling and holding cats are regarded as cat management facilities, however, currently there are no councils with this capacity. A number of councils do utilise the non-government facilities and provide funding to support them.</p>
<b>Q10. Will my neighbour be allowed to kill my cat if it strays onto their property?</b>
<p>Primary producers, and those landowners who are more than 1km from the nearest residence, will be permitted to humanely destroy a cat that is found on their property.</p>
<b>Q11. What will I need to do if I currently own more than four cats?</b>
<p>A person who wants to keep more than four cats at their property, and who is not a registered breeder, will be required to apply for a permit. There will be a transition period of 12 months to allow a person who currently keeps more than four cats the opportunity to re-home them or apply for a permit.</p> <p>The proposed limit of four cats is there primarily to provide authorised officers with powers to deal with nuisance complaints associated with the hoarding of cats or where a person is keeping multiple cats but does not contain them to their property.</p>
<b>Q12. Where will I be able to take a cat that I have trapped?</b>
<p>A person who traps a cat may either return the cat to its owner (if known) or take the cat to a cat management facility. Anyone considering trapping a cat is advised to contact a cat management facility</p>

beforehand to understand the process for handing in a cat and to ensure animal welfare requirements are met. Details of cat management facilities are available on the Biosecurity Tasmania website.

**Q13. What happens to my breeder registration if I am currently registered as a breeder by the State Government?**

Following a 12-month transition period, all State Government cat breeder registrations will be revoked; thereafter only a person who is a member of an approved cat organisation (i.e. Cat Association of Tasmania, Cat Control Council of Tasmania, Australian National Cats Inc.) will be taken to be a registered breeder. During the transition period, persons who are registered as a breeder with the State Government will be encouraged to apply to become a member of an approved cat organisation; alternatively they may apply to the State Government for a conditional permit to breed a cat.

**Q14. How can I apply for a permit to breed cats? Will there be a fee?**

Biosecurity Tasmania will provide an 'Application for a permit to breed a cat' form on its website. Currently there is no intention for State Government to charge a fee. Permits, if granted, will be time-limited and subject to conditions. Councils may choose to apply a fee to cover costs of administration.

**Q15. How can I apply for a permit to keep more than four cats? Will there be a fee?**

Biosecurity Tasmania will provide an 'Application for a permit to keep more than four cats' form on its website. Currently there is no intention for State Government to charge a fee. Permits, if granted, will be subject to conditions. Councils may choose to apply a fee to cover costs of administration.

**Q16. Will a person be allowed to use a firearm to control stray or feral cats?**

A person may humanely destroy a cat on their private land if the land is being used for primary production or is more than 1 km from the nearest residence. Persons responsible for undertaking lethal cat management must do so in accordance with the [Animal Welfare Act 1993](#). Note that a person using a firearm must hold an appropriate licence and must abide by the requirements of the [Firearms Act 1996](#).

**Q17. What roles do State and local governments have in relation to cat management?**

Both State and local government are able to enforce the *Cat Management Act 2009* currently and this will continue following the proposed amendments. Council officers who are authorised under the [Dog Control Act 2000](#) are also authorised under the *Cat Management Act 2009*. The extent to which a council is involved in cat management issues within its municipality is at the discretion of the individual council. Powers of enforcement by both State and local government for both the current and amended Act include:

- Compliance in relation to microchipping and desexing of cats;
- Compliance in relation to the sale of cats;
- Permitting and compliance in relation to the breeding of cats;
- Permitting and compliance in relation to the number of cats owned at a property; and
- Declaration and enforcement of cat prohibited and cat management areas.

Both State and local government authorised persons have the equivalent powers under Part 2 of the Act, including powers to trap, size, detain or humanely destroy a cat.

In addition, councils may establish by-laws in relation to management of cats within their municipalities, if they so choose.

**Q18. Who will have responsibility for overseeing permits and exemptions under the Act?**

A number of permits or exemptions will be available under the amended Act, including:

- Permit to keep more than four cats at a property;
- Permit for a person, who is not a registered breeder, to be able to conditionally breed their cat;

State and local government will be able to consider and grant applications for these permits.

The Act allows for exemptions to be provided by a veterinary surgeon with regards to microchipping and desexing.

The onus will be on the owner of a cat to ensure they have necessary permits and vet certificates in relation to exceeding the permitted limit of number of cats at a property, breeding cats or exemptions in relation to microchipping and desexing.

#### **Q19. Will Councils be able to make by-laws in relation to cat management?**

The Act supports council's ability to make by-laws that strengthen the Act with regards to matters that relate to their municipality. For example, councils may make by-laws requiring pet cats be registered or to require owners of cats do not let their animals roam from their property.

#### **Q20. Are there other actions councils can take in relation to the management of cats?**

The Act allows councils to declare 'Prohibited Areas' relating to land within their authority, that allows 'cat management action' (return to owner, trap, seize, detain, humanely destroy) to be undertaken. Councils can also declare a 'cat management area' within the area of the municipality in which measures may be taken in respect of cats (including cat management action).

#### **Q21. What are the proposed changes to penalties for offences?**

The Draft Cat Management Amendment Bill 2019 includes a range of penalties for the amendments as well increases to some existing penalties to ensure consistency with other related legislation. The penalties are summarised below (noting a penalty unit is currently \$168):

- s. 8A(8) A person must not hinder or disobey an approved or qualified person or authorised person in relation to taking a DNA sample from a cat – fine not exceeding 50 penalty units (new);
- s. 10 Hindering, obstructing or threatening an authorised person – fine increased from 20 to a maximum of 50 penalty units;
- s. 12(1) Cat over the age of four months not microchipped – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 12(4) Implanting a device other than a microchip – fine not exceeding 20 penalty units (existing);
- s. 14(1) Cat over the age of four months not desexed – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 14(4) Identifying a cat as desexed if it is not desexed – fine not exceeding 20 penalty units (existing);
- s. 16(2) Keeping more than 4 cats at a premises over the age of 4 months without a permit or not a registered breeder – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 16A(3) Must publish a notice stating intention to apply for a multiple cat permit and provide correct details – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 17(6) and s. 18(6) A person within 24 hours after trapping or seizing a cat must take action in accordance with the Act – fine not exceeding 100 penalty units (new);
- s. 24(2)<sup>1</sup> The operator of a cat management facility must ensure that a cat is microchipped and desexed before the cat is reclaimed - fine not exceeding 10 penalty units (new);
- s. 24(4)<sup>1</sup> An owner must not reclaim a cat from a cat management facility that is not microchipped or desexed – fine not exceeding 20 penalty units (existing);
- s. 28(2) A person who destroys a cat must do so quickly and without causing undue suffering – fine increased from 20 to 100 penalty units (consistent with the *Animal Welfare Act 1993*);
- s. 29(1) A person must not breed a cat unless they are a registered breeder or possess a cat breeding permit – fine not exceeding 50 penalty units (breeding permit to be proclaimed after 12-month transition period);
- s. 30(2) A person who is not a registered breeder must not hold himself or herself out to be a registered breeder – fine not exceeding 20 penalty units (existing);

- s. 37(2) A person must not abandon a cat – fine not exceeding 20 penalty units (existing); and
- s. 38A(4) Failure to comply with a requirement notice directing a person to comply with a part of the Act – fine not exceeding 100 penalty units (new).

Is. 24 of the Act was not originally proclaimed, but will be enacted along with the amendments.

## **Q22. What administrative amendments are proposed to improve the operation of the Act?**

A number of the proposed amendments also include changes that focus on the administration of the Act, with the aim of improving its operation. These are listed below, and additional matters may be raised as part of the public consultation.

- Inclusion of additional definitions and refinement of existing terms to remove ambiguity and improve consistency and interpretation, including: breeding of cats, domestic cat, feral cat, stray cat, desex, primary production land, premises, cat management facility, abandon;
- Removing ambiguity around responsibility for costs of detaining or treating cats at cat management facilities;
- Clarifying the authority and responsibility of operators of cat management facilities to undertake particular actions in relation to cats in their care;
- Removing reference to ‘working days’ for holding times at cat management facilities;
- Cat management facilities to notify cat owners either verbally or in writing;
- Inclusion of a provision for a requirement notice in the Act that allows an authorised officer to require an individual to comply with the Act; failure to comply with a requirement notice would result in an infringement notice and/or a fine;
- Removing inconsistencies between the Act and other Tasmanian State legislation; for example between the [Local Government Act 1993](#) and the *Cat Management Act 2009* in relation to owner liability for costs incurred from detaining and treating a cat;
- Including a non-derogation clause to make it clear that satisfying requirements of the *Cat Management Act 2009* will not discharge obligations required under other legislation, for example the *Animal Welfare Act 1993*; and
- Rectifying other ambiguities identified as part of the public consultation and in the process of drafting the Amendment Bill.

## **Q23. Where can the public, media and stakeholders find more information on the management of cats in Tasmania?**

The following websites have information on management of cats in Tasmania:

- [DPIPWE](#)
- [Ten Lives Cat Centre](#)
- [RSPCA Tasmania](#)
- [TassieCat](#)
- [Kingborough Council](#)

## Feedback on the Draft Cat Management Amendment Bill 2019

<b>Name:</b> Click or tap here to enter text.
<b>Organisation (if applicable):</b> Click or tap here to enter text.
<b>Email:</b> Click or tap here to enter text.
<b>Postcode (optional):</b> Click or tap here to enter text.

The Sections of the [Cat Management Act 2009](#) referred to in the table (below) are intended to guide stakeholders to consider the key amendments being proposed. A response may be provided to any or all of the sections.

The [Summary of Proposed Amendments](#) and the [Frequently Asked Questions](#) provide further information on the [Draft Cat Management Amendment Bill 2019](#).

Please email your response to [catmanagementact@dpipwe.tas.gov.au](mailto:catmanagementact@dpipwe.tas.gov.au) by 5.00 pm on Friday 4 October 2019.

Section 12. Compulsory microchipping of cats over the age of four months
Click or tap here to enter text.
Section 14. Compulsory desexing of cats over the age of four months
Click or tap here to enter text.
Section 16. Removing the option of a Care Agreement
Click or tap here to enter text.
Section 16. Limiting to four, the maximum number of cats allowed to be kept at property without a permit
Click or tap here to enter text.
Section 17. Changes to protection of private land
Click or tap here to enter text.
Section 24. Reclaiming cats from cat management facilities
Click or tap here to enter text.
Section 30. Replacing the State Government-registration of cat breeders with a permit system to breed cats
Click or tap here to enter text.
Other comments (please refer to the 'Summary of Proposed Amendments' for additional information)
Click or tap here to enter text.

# Summary of proposed amendments to the *Cat Management Act 2009*

August 2019

The *Cat Management Act 2009* is the principal legislation relating to the management of cats in Tasmania. In 2017, the 'Tasmanian Cat Management Plan' recommended a number of amendments to the Act be made to improve its effectiveness and operation. These proposed amendments are available for public consultation and are explained in this summary.

## **Compulsory desexing of all cats by the age of four months**

The Act will be amended to make desexing of a pet cat compulsory by four months of age (as evidenced by an ear tattoo). Penalties will apply to owners of pet cats if they fail to comply with the Act. Exceptions will apply where a vet certifies that the animal is not in a physically suitable condition to be desexed or for cats owned for the purpose of breeding by a registered breeder. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

### *Background*

Currently under the Act, only cats that are to be sold<sup>1</sup> must be desexed; however cats can reproduce from as young as four months of age. Whilst the Act encourages owners to desex pet cats, there is no penalty for not desexing a pet cat. Compulsory desexing at four months will reduce the period of time that cats can become pregnant, and the number of unwanted cats that end up part of the stray and/or feral cat population in Tasmania.

Undesexed cats can lead to unwanted litters of kittens. This results in destruction or abandonment of cats, creating an animal welfare issue and potentially contributing to the stray and/or feral cat population. Abandonment of kittens generates considerable community concern and imposes significant demands on cat management facilities and shelters.

<sup>1</sup>Sale under the Act includes trade, give away, take consideration for, transfer ownership of and offer for sale.

## **Compulsory microchipping of all cats by the age of four months**

The Act will be amended to make microchipping of a pet cat compulsory by four months of age. This is consistent with the proposed age for compulsory desexing of a cat. Penalties will apply to owners of pet cats if they fail to comply with the Act. Exceptions will apply where a vet certifies that the animal is not in a physically suitable condition to be microchipped. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.



## Background

As with desexing, currently only cats that are to be sold<sup>1</sup> must be microchipped. Whilst the Act encourages owners to microchip pet cats, there is no penalty for not microchipping a pet cat. Lost or roaming domestic cats that cannot be identified are at risk of being destroyed because they are not identifiable and their owners cannot be located. Having all owned cats microchipped will help reunite lost cats with their owners, help to reduce the number of roaming or lost cats contributing to the stray and/or feral population, and reduce the number of cats being destroyed.

<sup>1</sup>Sale under the Act includes trade, give away, take consideration for, transfer ownership of and offer for sale.

## Limit to four, the number of cats allowed at a property without a permit

This amendment will require a person who wants to keep more than four cats at their property, and who is not a registered breeder, to apply to the State Government or local council for a permit to keep more than four cats. Penalties will apply to cat owners who fail to comply with this section of the *Cat Management Act 2009*. State Government will not charge a fee for an application to keep more than four cats; however, this does not preclude local government from charging a fee. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

## Background

Currently, there are no restrictions on the number of cats that can be kept at a property in Tasmania. Allowing people to keep unlimited numbers of cats at a property can result in animal welfare concerns for the cats, health issues for the owners, nuisance issues for neighbours, and potentially increases the number of cats roaming or contributing to the stray and/or feral cat population.

There have been a number of examples of people hoarding significant numbers of cats, which has put added pressure on the RSPCA, councils and animal shelters in dealing with them. Cats in this situation are often free-ranging and create significant nuisance to neighbours and rural properties.

The proposed limit of four cats is there primarily to provide authorised officers with powers to deal with nuisance complaints associated with the hoarding of cats or where a person is keeping multiple cats but does not contain them to their property and are causing a nuisance.

## Changes to protection of private property

This amendment will permit:

- a person to trap, seize or detain a cat on their land regardless of the proximity to other residences, provided the cat is returned to the owner if possible, or taken to a cat management facility;



- persons whose land is more than 1km from the nearest residence and primary producers to take cat management action (trap, seize, detain, humanely destroy) on their land.

### *Background*

Currently, only property owners involved in primary production relating to livestock, or a person on privately owned land more than 1km from the nearest residence are permitted to trap, seize or humanely destroy a cat. In urban and peri-urban areas, property owners cannot trap stray or roaming cats on their land and this has been one of the main source of complaints from the public.

The amendments will ensure that all primary producers (as defined in the Tasmanian *Land Tax Act 2000*) will have the same permissions under the Act (trap, seize, detain, humanely destroy), and that on any other private property type, owners can undertake trapping of nuisance cats in accordance with the Act.

### **Replace the State Government-registration of cat breeders with a permit system to breed cats**

This amendment will replace the registration of cat breeders by State Government with a condition and time-based permitting system. There will be a transition period of 12 months to allow breeders registered with the State Government adequate time to adjust to the changes. Following a 12-month transition period, all State Government cat breeder registrations will be revoked; thereafter only a person who is a member of an approved cat organisation (i.e. Cat Association of Tasmania, Cat Control Council of Tasmania, Australian National Cats Inc.) will be taken to be a registered breeder. During the transition period, persons who are registered as a breeder with the State Government will be encouraged to apply to become a member of an approved cat organisation; alternatively they may apply to the State Government for a conditional permit to breed a cat.

### *Background*

Under the current Act, all cat breeders in Tasmania must either be registered by the State Government or be a member of an approved cat organisation (i.e. Cat Association of Tasmania, Cat Control Council of Tasmania, Australian National Cats Inc.). The objectives of registration differ between the government and cat organisations, and this often causes conflict.

The proposed amendment to remove State Government registration of cat breeders, will mean that membership with a cat organisation will be the only means for a person to be a 'registered breeder' under the Act. Individuals who are not members of a cat organisation will be able to apply to State Government or their local council for a permit to breed a cat.

State Government or council permits will be considered on a case-by-case basis, and permits if issued, will be conditional and time-bound. Failure to meet the conditions of a permit could result in cancellation of the permit and possible fines for non-compliance.

The permit system will be targeted towards people whose cat has accidentally become pregnant or where the owner chooses to breed their cat for a specific, one-off reason. People who wish to breed cats on a regular basis will be encouraged to join one of the approved cat organisations.

The owner of a kitten that is being kept for the purposes of breeding will have until the kitten is four months of age to either become a member of a cat organisation or make an application to the State Government for a conditional permit, so as not to breach the compulsory desexing provisions.

## **Removal of Care Agreements**

This amendment will remove the option of having a care agreement covering the sale of a cat from the *Cat Management Act 2009*. Compulsory desexing and microchipping of owned cats will negate the need for care agreements.

### *Background*

A care agreement allows breeders and sellers of cats to pass on the responsibility of desexing and microchipping to a purchaser, on the agreed understanding that the new owner will do so in within a set time period.

Care agreements are difficult to enforce and represent a potential loophole in the existing legislation. The proposal to remove the option of a care agreement will mean that people wishing to sell a cat must ensure it is microchipped and desexed prior to sale<sup>1</sup>.

The effect of this will be that the cost of microchipping and desexing will be built into the sale price of a cat, thus attaching a financial value to animals and discouraging irresponsible ownership.

<sup>1</sup>Sale under the Act includes trade, give away, take consideration for, transfer ownership of and offer for sale.

## **Release of cats from cat management facilities**

This amendment will commence Section 24 of the *Cat Management Act 2009* that requires a cat to be microchipped and desexed before being released from a cat management facility. Exemptions to compulsory desexing will apply where the owner is a registered breeder or where a vet provides a certificate of exemption.

### *Background*

A provision to this effect is currently in the Act in Section 24, however the section was not enabled when the Act commenced. The provision gives the operator of a cat management facility the authority to microchip and/or desex a cat that is in its custody, if

the cat is not already microchipped and desexed, and to require the owner of the cat to pay reasonable costs; it is also consistent with proposed compulsory microchipping and desexing amendment provisions.

Under this proposed amendment, if an owned cat held at a facility is non-microchipped and/or undesexed, and the owner can be identified, the facility is to notify the owner that the cat is to be microchipped and desexed before being released back to its owner. This will give the owner the opportunity to show cause as to why the cat:

- should not be microchipped (in the form of a certificate from a vet stating that the animal is not in a physically suitable condition to be microchipped); and/or
- should not be desexed (in the form of evidence of breeder registration, a certificate from a vet stating that the animal is not in a physically suitable condition to be desexed, or the owner has made arrangements with a registered vet for the cat to be desexed).

**Amend a number of sections related to the administration of the Act to remove ambiguities and inconsistencies in its wording and operation. These amendments, which do not seek to affect the intent of the Act, include:**

- Additional definitions and refine existing terms to remove ambiguity and improve consistency and interpretation. Terms include, but are not limited to: breeding of cats, domestic cat, feral cat, stray cat, desex, primary production land, premises, cat management facility, abandon;
- Removing ambiguity around responsibility for costs of detaining or treating cats at cat management facilities;
- Clarifying the authority and responsibility of operators of cat management facilities to undertake particular actions in relation to cats in their care;
- Removing reference to 'working days' for holding times at cat management facilities;
- Notification of owners by cat management facilities to allow for verbal or written notification;
- Including the provision of a requirement notice in the Act that allows an authorised officer to require an individual to comply with the Act. Currently there is no option allowing the individual to rectify the situation prior to an infringement notice being served. Failure to comply with a requirement notice would result in an infringement notice;
- Increasing penalties for infringements (but not exceeding existing maximum penalty amounts) where appropriate, to reflect community expectations;

- Removing inconsistencies between the Act and other Tasmanian legislation; for example between the *Local Government Act 1993* and the *Cat Management Act 2009* in relation to owner liability for costs incurred of detaining and treating a cat;
- Including a non-derogation clause to make it clear that satisfying requirements of the *Cat Management Act 2009* will not discharge obligations required under other legislation, for example the *Animal Welfare Act 1993*; and
- Rectifying other ambiguities identified as part of the public consultation and in the process of drafting the Amendment Bill.

# EMF Explained Series

## 5G and EMF Explained

The image features the text "5G" in a large, white, sans-serif font. The letters are semi-transparent, allowing the background to be visible through them. The background is a dark blue space with a network of glowing white dots connected by dashed white lines, resembling a star map or a data network. There are also some wispy, light blue clouds or nebulae in the lower left area.

[www.emfexplained.info](http://www.emfexplained.info)



## 5G and EMF Explained

The EMF Explained Series provides information on mobile technology and Electromagnetic Fields (EMF) referencing international health authorities, government, academia and the telecommunications industry.

The EMF Explained Series has been developed by the Australian Mobile Telecommunications Association (AMTA) in association with the GSMA and Mobile and Wireless Forum (MWF).

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## What is 5G?

### **5G is the 5th generation of mobile networks, a significant evolution of the 4G LTE networks.**

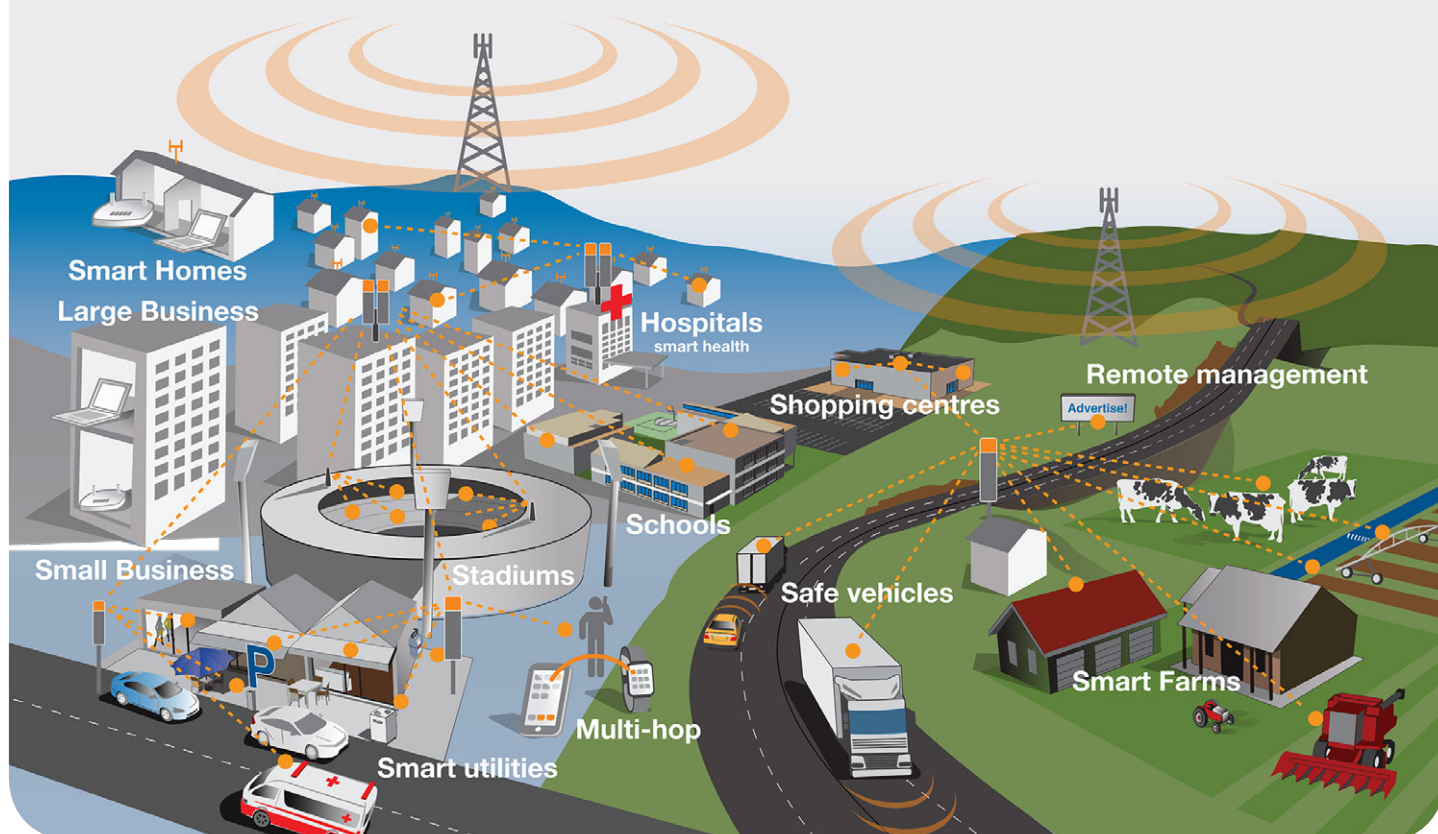
5G has been designed to meet the very large growth in data and connectivity of today's modern society, the internet of things with billions of connected devices, and tomorrow's innovations.

5G will initially operate in conjunction with existing 4G networks before evolving to fully standalone networks in subsequent releases and coverage expansions.

In addition to delivering faster connections and greater capacity, a very important advantage of 5G is the fast response time referred to as latency.

Latency is the time taken for devices to respond to each other over the wireless network. 3G networks had a typical response time of 100 milliseconds, 4G is around 30 milliseconds and 5G will be as low as 1 millisecond. This is virtually instantaneous opening up a new world of connected applications.

## THE CONNECTED COMMUNITY



5G uses radio waves or radio frequency (RF) energy to transmit and receive voice and data connecting our communities.



## What will 5G enable?

**5G will enable instantaneous connectivity to billions of devices, the Internet of Things (IoT) and a truly connected world.**

**There are three major categories of use case for 5G:**

- **Massive machine to machine communications** – also called the Internet of Things (IoT) that involves connecting billions of devices without human intervention at a scale not seen before. This has the potential to revolutionise modern industrial processes and applications including agriculture, manufacturing and business communications.
- **Ultra-reliable low latency communications** – mission critical including real-time control of devices, industrial robotics, vehicle to vehicle communications and safety systems, autonomous driving and safer transport networks. Low latency communications also opens up a new world where remote medical care, procedures, and treatment are all possible.
- **Enhanced mobile broadband** – providing significantly faster data speeds and greater capacity keeping the world connected. New applications will include fixed wireless internet access for homes, outdoor broadcast applications without the need for broadcast vans, and greater connectivity for people on the move.

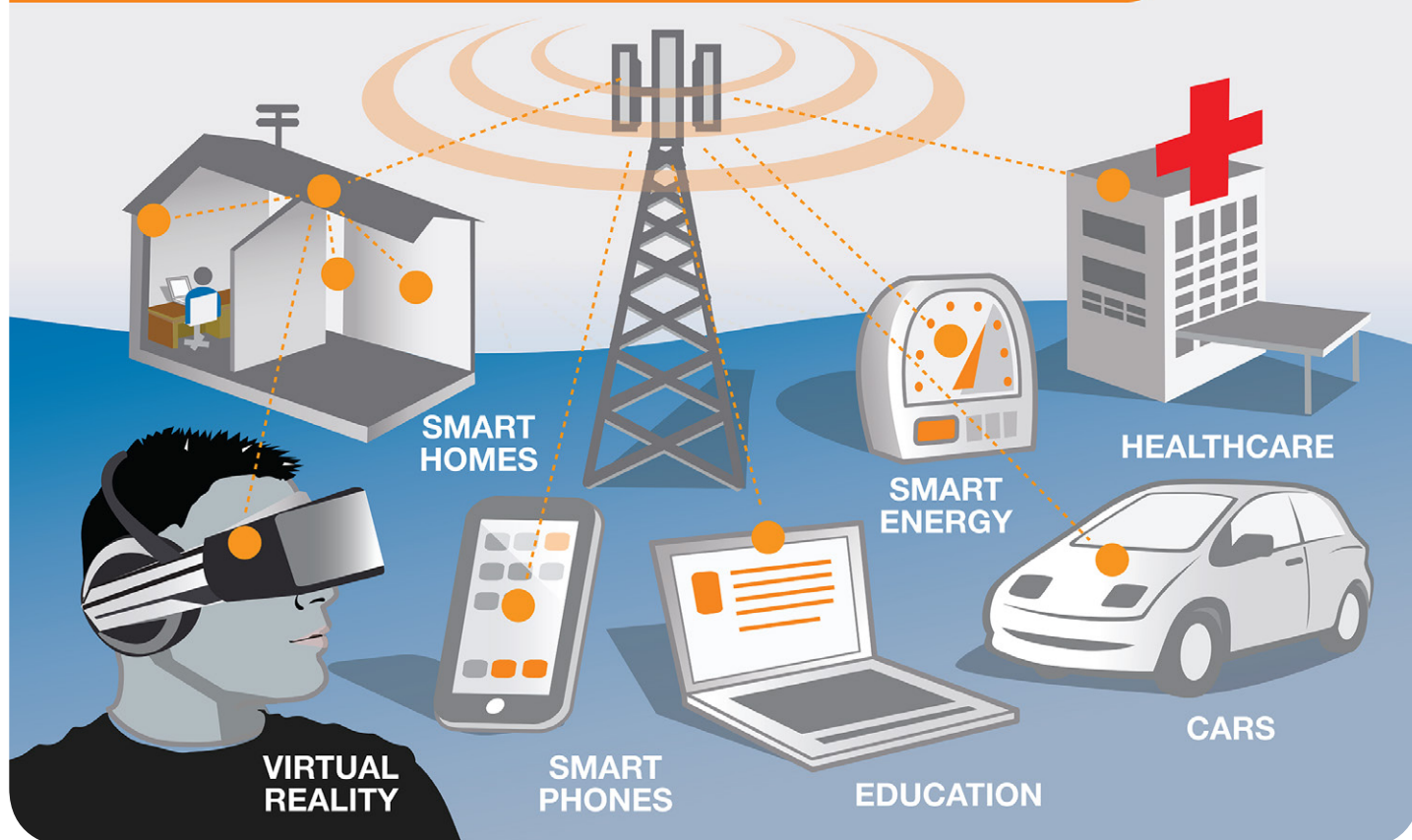
**For communities,** 5G will enable the connection of billions of devices for our smart cities, smart schools and smart homes, smart and safer vehicles, enhance health care and education, and provide a safer and more efficient place to live.

**For businesses and industry,** 5G and IoT will provide a wealth of data allowing them to gain insights into their operations like never before. Businesses will operate and make key decisions driven by data, innovate in agriculture, smart farms and manufacturing, paving the way for cost savings, better customer experience and long term growth.

**New and Emerging technologies** such as virtual and augmented reality will be accessible by everyone. Virtual reality provides connected experiences that were not possible before. With 5G and VR you will be able to travel to your favourite city, watch a live football match with the feeling of being at the ground, or even be able to inspect real estate and walk through a new home all from the comfort of your couch.

**5G will keep us connected in tomorrow's smart cities, smart homes and smart schools, and enable opportunities that we haven't even thought of yet.**

## 5G CONNECTING THE COMMUNITY



*5G will provide the speed, low latency and connectivity to enable a new generation of applications, services and business opportunities that have not been seen before.*



## When did 5G launch?

### When did 5G launch?

Initial 5G services commenced in many countries in 2019 and widespread availability of 5G is expected by 2025.

### What are the first applications for 5G?

Fixed wireless access for homes and enhanced mobile broadband services are the first applications using new 5G phones, tablets, wireless access modems and hot spots.

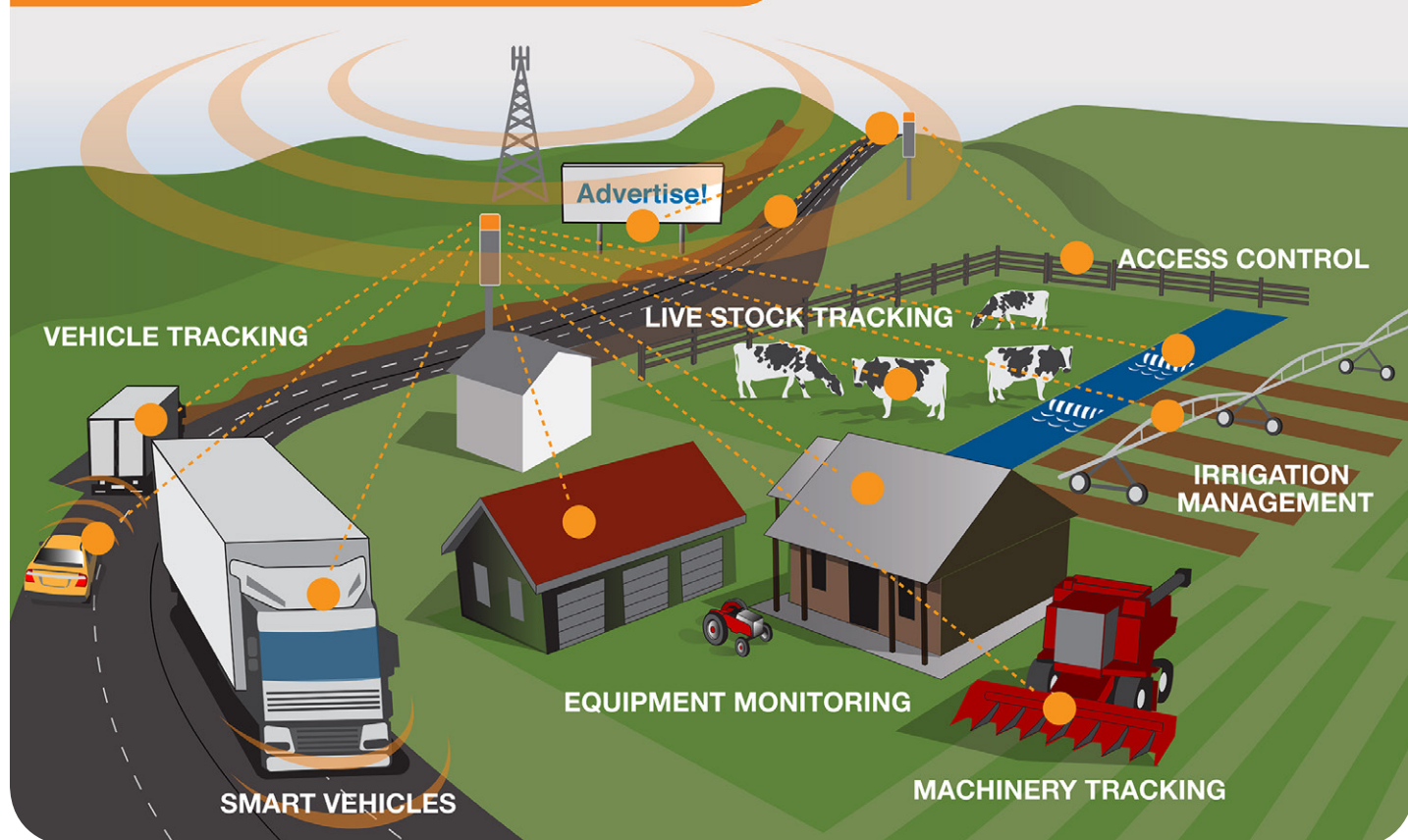
### What do 5G devices offer?

The prime benefits of 5G devices will be significantly faster speeds in data access, downloading and streaming content. In addition, 5G devices will have increased computing power and make use of the lower latency, meaning that the devices will enjoy virtually instantaneous connections to the network, as well as greater connectivity when on the move due to the use of advanced antenna beam steering.

### What devices are available for 5G?

Mobile handsets, tablets and hot spots equipped with 3G, 4G and 5G connectivity were launched in 2019 and low latency and widespread machine to machine applications using 5G will be developed in the coming years.

## CONNECTED FARMS



5G Enhanced Mobile Broadband and IoT will revolutionise agriculture and farming.

## How does 5G work?

Most operators will initially integrate 5G networks with existing 4G networks to provide a continuous connection. A mobile network has two main components, the 'Radio Access Network' and the 'Core Network'.

**The Radio Access Network** – consists of various types of facilities including small cells, towers, masts and dedicated in-building and home systems that connect mobile users and wireless devices to the main core network.

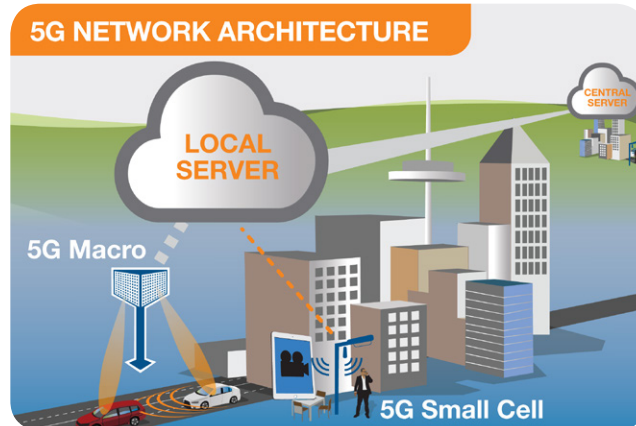
Small cells will be a major feature of 5G networks particularly at the new millimetre wave (mmWave) frequencies where the connection range is very short. To provide a continuous connection, small cells will be distributed in clusters depending on where users require connection which will complement the macro network that provides wide-area coverage.

5G Macro Cells will use MIMO (multiple input, multiple output) antennas that have multiple elements or connections to send and receive more data simultaneously. The benefit to users is that more people can simultaneously connect to the network and maintain high throughput. Where MIMO antennas use very large numbers of antenna elements they are often referred to as 'massive MIMO', however, the physical size is similar to existing 3G and 4G base station antennas.

**The Core Network** – is the mobile exchange and data network that manages all of the mobile voice, data and internet connections. For 5G, the 'core network' is being redesigned to better integrate with the internet and cloud based services and also includes distributed servers across the network improving response times (reducing latency).

Many of the advanced features of 5G including network function virtualization and network slicing for different applications and services, will be managed in the core.

The following illustration shows examples of local cloud servers providing faster content to users (movie streaming) and low latency applications for vehicle collision avoidance systems.

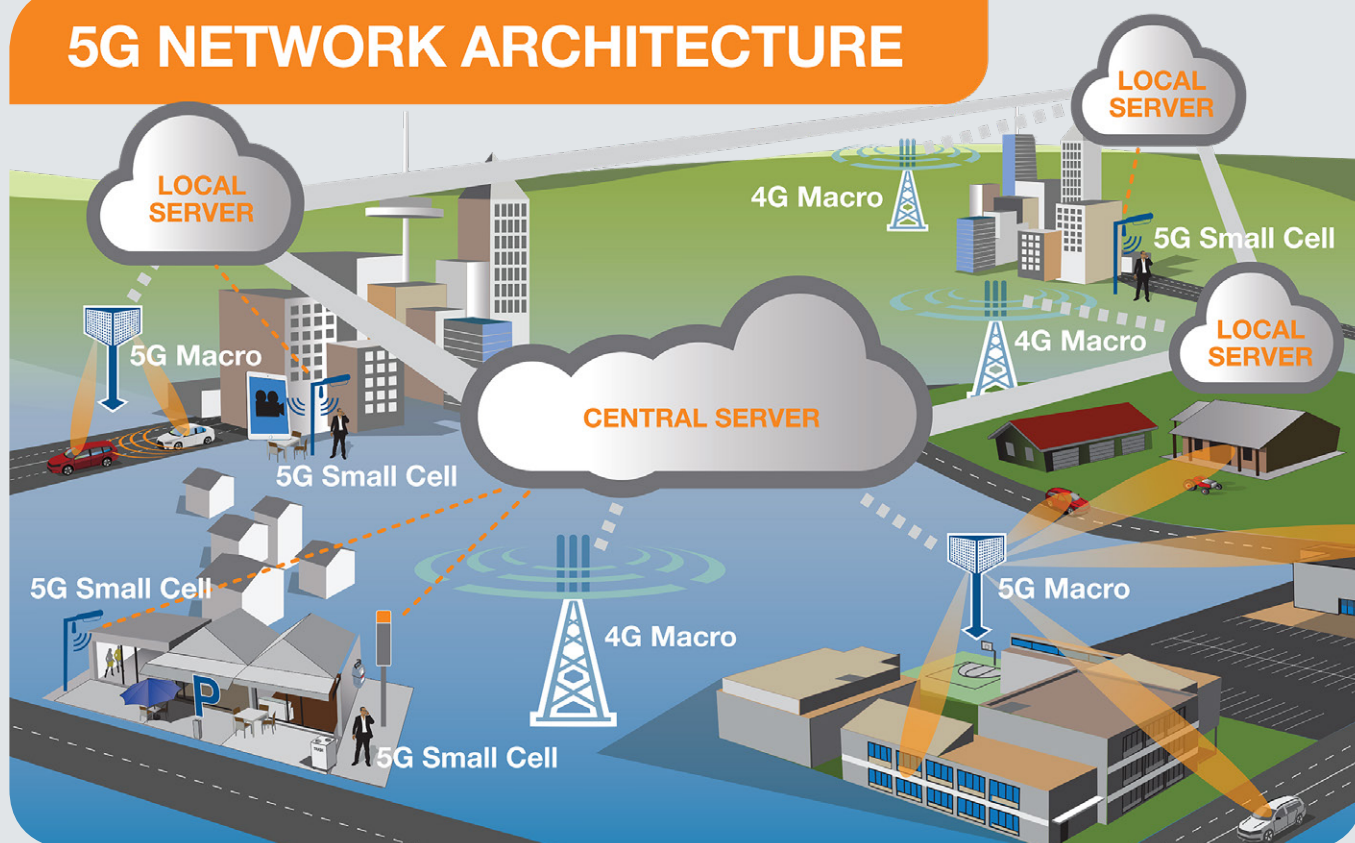


*Example of a local server in a 5G network providing faster connection and lower response times.*

**Network Slicing** – enables a smart way to segment the network for a particular industry, business or application. For example emergency services could operate on a network slice independently from other users.

**Network Function Virtualization (NFV)** – is the ability to instantiate network functions in real time at any desired location within the operator's cloud platform. Network functions that used to run on dedicated hardware for example a firewall and encryption at business premises can now operate on software on a virtual machine. NFV is crucial to enable the speed efficiency and agility to support new business applications and is an important technology for a 5G ready core.

## 5G NETWORK ARCHITECTURE



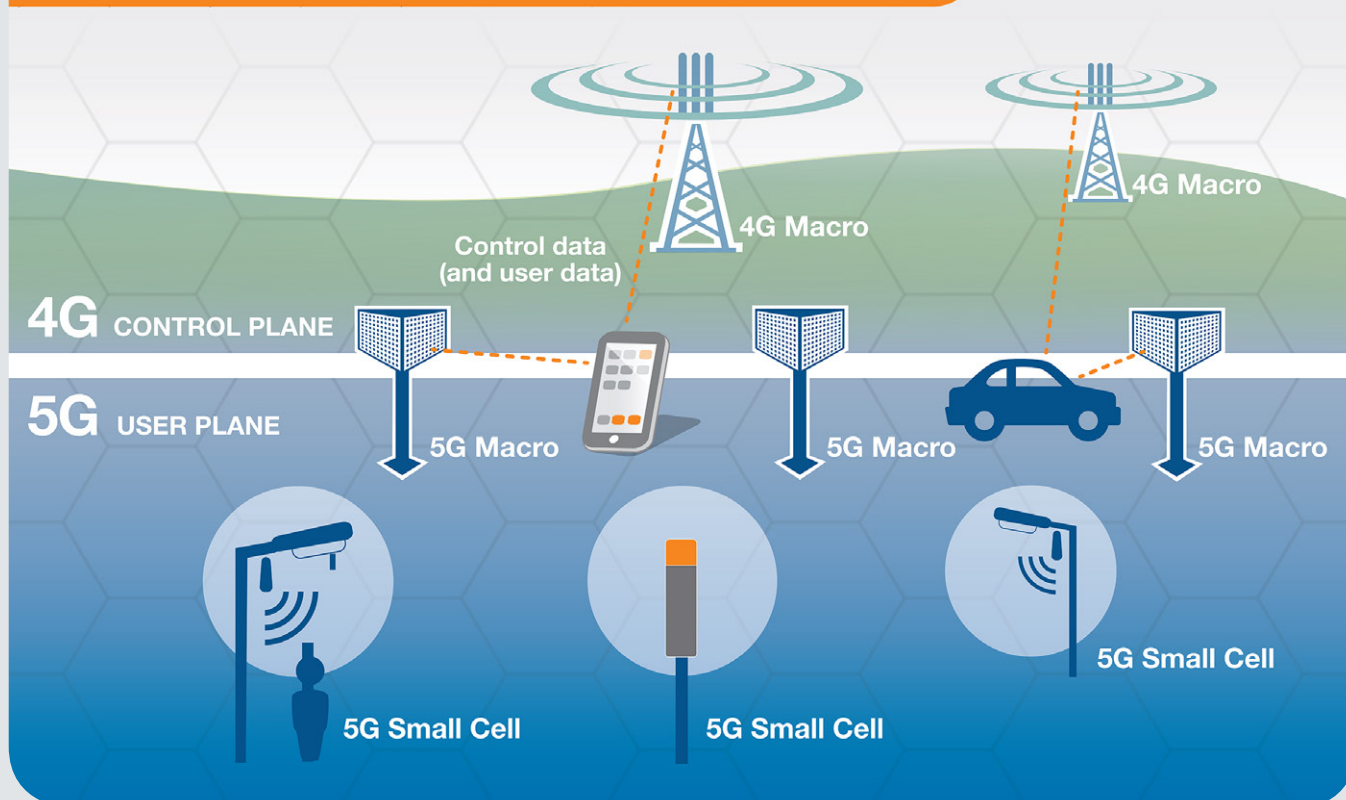
*5G network architecture illustrating 5G and 4G working together, with central and local servers providing faster content to users and low latency applications.*

## 5G working with 4G

When a 5G connection is established, the User Equipment (or device) will connect to both the 4G network to provide the control signalling and to the 5G network to help provide the fast data connection by adding to the existing 4G capacity.

Where there is limited 5G coverage, the data is carried on the 4G network providing the continuous connection. Essentially with this design, the 5G network is complementing the existing 4G network.

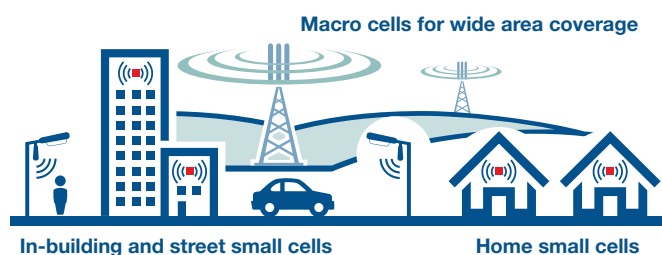
### 5G INTEGRATION WITH 4G



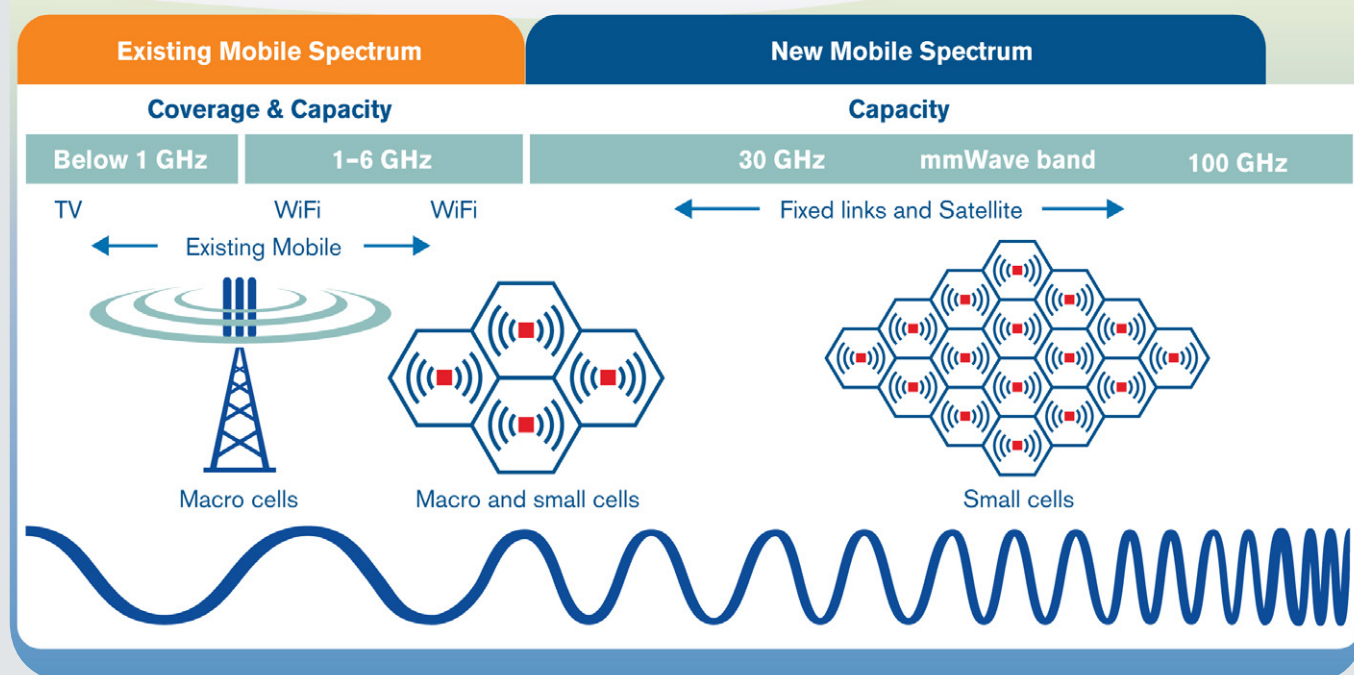
How does 5G deliver continuous connection, greater capacity, and faster speed and response times?

#### Better Connection – always connected

5G networks are designed to work in conjunction with 4G networks using a range of macro cells, small cells and dedicated in-building systems. Small cells are mini base stations designed for very localised coverage typically from 10 metres to a few hundred metres providing in-fill for a larger macro network. Small cells are essential for the 5G networks as the mmWave frequencies have a very short connection range.



# 5G SPECTRUM



Mobile spectrum showing the radio frequency range from 3-100 GHz with new 5G spectrum above 6GHz. Other radio services (TV, Wi-Fi, Fixed links & Satellite) are shown for reference.

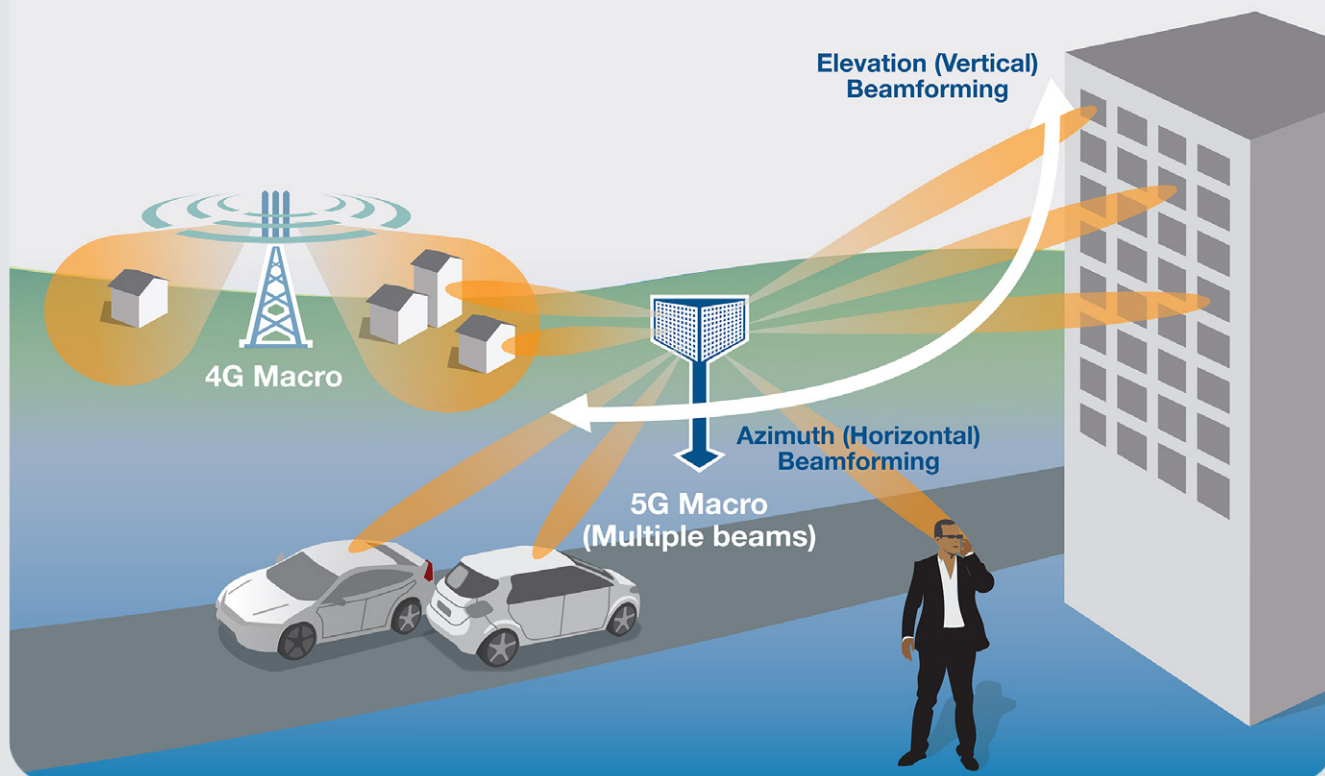
## Increased Spectrum – greater capacity, more users and faster speed.

In many countries the initial frequency bands for 5G are below 6 GHz (in many cases in the 3.3-3.8 GHz bands) and similar frequencies to existing mobile and Wi-Fi networks. Additional mobile spectrum above 6 GHz, including the 26-28 GHz bands often referred to as millimeter (mm) Wave, will provide significantly more capacity compared to the current mobile technologies. The additional spectrum and greater capacity will enable more users, more data and faster connections. It is also expected that there will be future reuse of existing low band spectrum for 5G as legacy networks decline in usage and to support future use cases.

The increased spectrum in the mmWave band will provide localised coverage as they only operate over short distances. Future 5G deployments may use mmW frequencies in bands up to 86 GHz.



# MIMO BEAMFORMING



Massive MIMO antenna and advanced beam steering optimises EMF and increases efficiency.

## Massive MIMO - multiple element base station - greater capacity, multiple users, faster data

5G will use 'massive' MIMO (multiple input, multiple output) antennas that have very large numbers of antenna elements or connections to send and receive more data simultaneously. The benefit to users is that more people can simultaneously connect to the network and maintain high throughput.

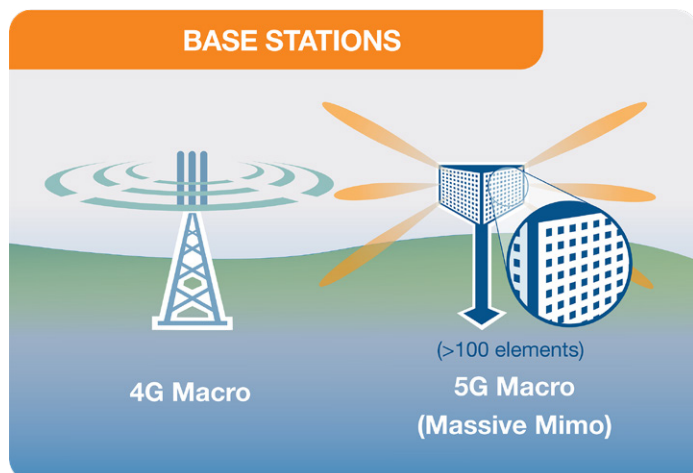
The overall physical size of the 5G massive MIMO antennas will be similar to 4G, however with a higher frequency, the individual antenna element size is smaller allowing more elements (in excess of 100) in the same physical case.

5G User Equipment including mobile phones and devices will also have MIMO antenna technology built into the device for the mmWave frequencies.

## MIMO – Beam Steering

Beam steering is a technology that allows the massive MIMO base station antennas to direct the radio signal to the users and devices rather than in all directions. The beam steering technology uses advanced signal processing algorithms to determine the best path for the radio signal to reach the user. This increases efficiency as it reduces interference (unwanted radio signals).

### BASE STATIONS



4G sector base station and 5G base station with a new multi element massive MIMO antenna array. The overall physical size of the 5G base station antenna is expected to be similar to a 4G base station antenna.

## Lower latency - Faster response times

Lower latency with 5G is achieved through significant advances in mobile device technology and mobile network architecture.

Technology	Response time (milliseconds)
4G - LTE systems	20-30 ms
5G - enhanced mobile broadband	4-5 ms
5G - URLLC (Ultra Reliable Low Latency Communications) systems	1 ms

### 5G Devices (User Equipment)

Improved technology and computing power in the User Equipment and devices is a major contributor to faster response times. As the device chip sets become more advanced, they can process data faster and reduce the response time called latency.

### 5G Network - Mobile Network Architecture

Significant changes in both the Core Network (Core) and Radio Access Network (RAN) are required to deliver low latency.

#### Core Network Changes

With the redesigned core network, signalling and distributed servers, a key feature is to move the content closer to the end user and to shorten the path between devices for critical applications.

Good examples are video on demand streaming services where it is possible to store a copy or 'cache' of popular content in local servers, so the time to access is quicker.

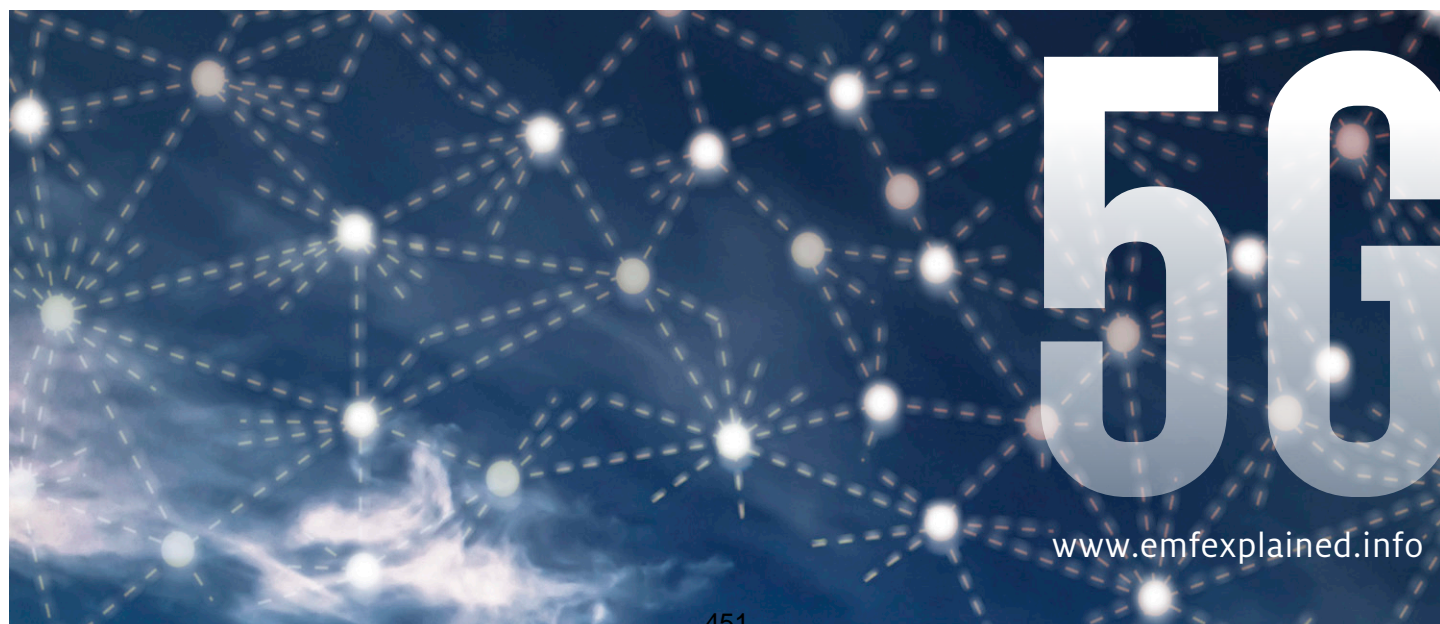
### Radio Access Network Changes

To achieve the low latency, the Radio Access Network (RAN) will need to be re-configured in a manner that is highly flexible and software configurable to support the very different characteristics of the types of services that the 5G system envisages.

Low latency and high reliability over the air interface requires new radio techniques to minimise the time delays through the radio within a few TTIs (time transmit intervals) along with robustness and coding improvements to achieve high degrees of reliability (e.g. one message is delayed or lost in every billion).

Implementing a virtual, dynamic and configurable RAN allows the network to perform at very low latency and high throughput, but it also allows the mobile network to adjust to changes in network traffic, network faults and new topology requirements.

What will be re-configured? The new architecture will exist as a 4G/5G split RAN where the user plane (5G) and the control plane (4G) are separate. This requires the separation of general purpose hardware and specialised network hardware. The functionality of general purpose hardware (nodes) are suitable for network functions virtualisation (NFV), where the specialised hardware in the RAN will become dynamically configurable.



# 5G and EMF Safety

## Are there safety limits for 5G and radio waves?

Yes. Comprehensive international guidelines exist governing exposure to radio waves including the frequencies proposed for 5G. The limits have been established by independent scientific organizations, such as the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and include substantial margins of safety to protect all people against all established hazards.

These guidelines have been widely adopted in standards around the world, and are endorsed by the World Health Organization (WHO).

## What do the experts say about 5G and health?

**World Health Organization – In relation to radio frequency exposures and wireless technology and health, the general conclusion from the World Health Organization (WHO) is:**

*“Despite extensive research, to date there is no evidence to conclude that exposure to low level electromagnetic fields is harmful to human health”*

WHO - About Electromagnetic Fields – Summary of Health Effects  
Key Point 6

**Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) - In relation to 5G and health, ARPANSA, the agency of the Commonwealth Government tasked with protecting people and the environment from the harmful effects of radiation, says that;**

*“Contrary to some claims, there is no established health effects from the radio waves that the 5G network uses”*

Source WHO Backgrounder on base stations and wireless technologies

**International Commission for Non-Ionizing Radiation Protection (ICNIRP) – In relation to 5G and the EMF exposure guidelines ICNIRP, an international commission recognised by the WHO says;**

- *The ICNIRP Guidelines are very conservative and include large reduction factors.*
- *The ICNIRP Guidelines protect all people including children exposed to radiofrequency EME in the frequency range 100 kHz to 300 GHz.*
- *The ICNIRP Guidelines cover the frequencies used for 5G, including mmWave bands.*

**Australian Centre for Electromagnetic Bioeffects Research (ACEBR) - In relation to 5G frequencies, the general conclusion from Dr Sarah Loughran, Director of the ACEBR is:**

*“Based on the improvements in technology, the level of exposure is expected to be lower than what it has been in previous technologies.”*

**The European Commission in relation to whether the existing European Council Recommendation (which adopted ICNIRP's Guidelines) covers 5G and ensures adequate protection for the public:**

*“Protection of public health ... is always taken into account. In particular, the strict and safe exposure limits for electromagnetic fields recommended at EU level by Council Recommendation 1999/519/EC on the exposure of the general public to electromagnetic fields apply for all frequency bands currently envisaged for 5G.”*

## What research into health effects has been done on 5G?

The electromagnetic frequencies used for 5G are part of the radio frequency spectrum which has been extensively researched in terms of health impacts for decades. Over 50 years of scientific research has already been conducted into the possible health effects of the radio signals used for mobile phones, base stations and other wireless services including frequencies planned for 5G and mmWave exposures.

The data from this research has been analysed by many expert review groups. Weighing the whole body of science, there is no evidence to convince experts that exposure below the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) carries any known health risks, for adults or children.

The EMF-Portal ([www.emf-portal.org](http://www.emf-portal.org)) is an open-access extensive database of scientific research into the effects of EMF, including studies on the effects of RF on health. It is managed by the RWTH Aachen University, Germany and linked from the WHO website. EMF-Portal contains more than 28,000 published scientific articles on the biological and health effects of EMF and 3,000 studies on mobile communications.

In terms of research specifically on 5G frequencies, the database lists over 500 studies on mmWave EMF health related research. Extensive research on mmWave and health has been conducted on radar, microwave and military applications.

### ■ Is the research on 5G, mmWave and health continuing?

**Yes** – One area of current research on mmWave frequencies, for example, is focused on the alignment of the human exposure guidelines at frequencies below and above 6 GHz where the measurement parameter changes from Specific Absorption Rate (SAR) below 6 GHz to Power Density above 6 GHz. For more on SAR see <http://www.sartick.com/>.

The research is also focused on the dielectric properties of human skin to ensure that the power density levels and averaging area across the skin align with the temperature values that are the basis of the human exposure guidelines.

For example, a mobile device operating at 5 GHz will be assessed for compliance by measuring the SAR. The SAR levels are set to limit the absorbed power so that the temperature rise in the head or body from the device operating at maximum power is below the SAR limit of 2W/kg. If the same device was operating at 6.5 GHz, a power density measurement would be required, so that the device complies with relevant Power Density limit.

### ■ Will 5G devices comply with the safety guidelines?

5G technology will be used in a wide range of devices and will be the backbone for the Internet of Things (IoT). All these devices will be evaluated to ensure that they conform to the RF safety limits adopted by agencies around the world.

### ■ Is 5G safe for children?

**Yes** – The EMF safety limits cover the 5G frequency range and include substantial margins of safety to protect all people including children from all established hazards.

### ■ What about children wearing RF transmitting devices or wearables for security or entertainment?

The radio transmitters in such devices are generally transmitting with very low power. When tested they are required to comply with national or international exposure limits. When watching a video the device is mostly receiving information and only transmits information for brief periods. Other types of devices such as personal trackers also transmit for short periods of time.

### ■ Will 5G devices automatically minimise transmitter power?

**Yes** – 5G devices will automatically minimise the transmit power to the lowest level in order to complete a satisfactory communication with the network. Such automatic power control has existed in previous generations of mobile technologies (2G, 3G and 4G) and helps to minimize interference, prolong battery life and also has the effect of limiting the EMF exposure of the user. The transmit power of the device is controlled by the network.

### ■ Does 5G mean higher power and higher exposure levels?

**No** – 5G networks are designed to be more efficient and will use less power than current networks for similar services.

With the introduction of new technologies, there may be a small increase in the overall level of radio signals due to the fact that new transmitters are active. In some countries deployment of 5G may occur as part of closure of earlier wireless networks. Based on the transition from previous wireless technologies we can expect that the overall exposure levels will remain relatively constant and a small fraction of the international exposure guidelines.

### ■ What types of base stations are used for 5G?

Base stations used for 5G will consist of various types of facilities including small cells, towers, masts and dedicated in-building and home systems.

Small cells will be a major feature of 5G networks particularly at the new mmWave frequencies where the connection range is very short.

To provide a continuous connection, small cells will be distributed in clusters depending on where users require connection and this will complement the macro network 5G base stations.

5G networks will work in conjunction with 4G networks. In many cases, existing 4G base stations will be used for additional 5G equipment.

### ■ Do 5G base stations automatically minimise transmitter power?

**Yes** – 5G networks are specifically designed to minimise transmitter power, even more than existing 4G networks. 5G networks use a new advanced radio and core architecture which is very efficient and minimises transmissions consistent with service requirements which results in optimised EMF levels. The network also controls the power level of the device to the lowest level in order to complete a satisfactory communication with the network.

### ■ What will be the size of compliance zones around 5G network antenna sites?

The compliance zone around the new advanced antenna technology used by 5G is smaller than for previous 3G and 4G technologies using similar transmitter powers.

Mobile network antennas are typically directional and compliance zones extend in front of the antenna and a small distance above and below.

Mobile networks are designed to use only the power needed to provide quality services. Too much power would cause interference and affect all users. A key advantage of 5G is a substantial increase in network energy efficiency.

Where 5G is added to an existing site with other mobile technologies, the existing compliance zone may increase due to the addition of the 5G technology however this will depend on the site design and network configuration.

### ■ Is 5G similar to the Active Denial System used by the military?

**No** – Active Denial Systems developed by the military use very high powered mmWave directional signal, sometimes called a 'heat ray' in the 90 GHz band designed to heat the surface of targets such as the skin of a human, and through the heat, control or restrict access.

5G and other mmWave radio communications use different frequencies and a fraction of the power. The human exposure limits for mobile communications technology prevent heating occurring.

Additional information on ADS systems is available here.

<http://jnlp.defense.gov/About/Frequently-Asked-Questions/Active-Denial-System-FAQs/>

[www.emfexplained.info](http://www.emfexplained.info)