

AGENDA ATTACHMENTS

12 APRIL 2022

ORDINARY COUNCIL MEETING

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‘ACROSS THE GENERATIONS’

AN ARTISTIC INTERPRETATION IN BRONZE HONOURING 100 YEARS OF SERVICE
FOR THE CENOTAPH PRECINCT, HOBART, AUSTRALIA

In March 1923, Gellibrand envisaged Legacy as ‘a rock of bronze in the fluctuating seas of life’. Nearly one hundred years on and Legacy is still at its watch.

Design and concept by Suzanne Curry

‘Across the Generations’ has been developed in consultation with Everlon - in particular Rodney Claxton, Chief Executive Officer for Everlon Australia and United Kingdom, and Everlon Industrial Designer, Fenella Richards. Everlon specialises in military memorials and plaques and, amongst other things, are the supplier of bronze plaques to the Office of Commonwealth War Graves in London.

After speaking with many Legacy families and children, love, care, strength and fun are the key characteristics that represent the Legatee who cared for them. ‘Across the Generations’ has three main components honouring:

- the founders of Legacy
- 100 years of voluntary service by Legatees and Friends of Legacy
- the families that bear the cost of war

The soul of the installation is an artistic interpretation capturing a family in the process of healing at an Anzac Day gathering. It is a relaxed setting, after the formal commemorations of the day have been completed. The sky is blue, the sun is out. The family and the founders are placed together on and around a long curved bench. The bench is curved to represent being held within the love, care and strength of Legacy – i.e. ‘encompassing’. The Legacy logo is incorporated into the seat design. Universal access will ensure that the bench can be reached by all.

In honouring the two great soldiers who are the founders of Legacy (Gellibrand and Savige) they will be represented in their full uniforms. A young boy, wearing his father’s medals, will be pointing at the medals on Gellibrand’s uniform and asking him what they are for. In

turn, Gellibrand and Savige will be explaining to the boy the significance of his father's medals. Close to this scene is the mother, smiling at the interaction between her son and the two men. She will be looking towards the Cenotaph, in quiet contemplation.

The installation also aims to be interactive and, importantly, relay the sense of fun that the Legacy children enjoy at their outings, camps and parties. To this end, to make the installation both fun and educational, it will have the representation of the faunal emblems of Tasmania and Victoria, the birth places of Gellibrand and Savige. The Tasmanian Devil and Leadbeater's Possum are both endangered and in need of our care. At the end of the bench there is a little girl, in a world of her own. With great curiosity, she is peering under the bench to look at a Tasmanian Devil who will be peering back at her.

It was important that people feel they can both admire and interact with the installation. The bronze seat is therefore long enough for three people to sit and have their own photos taken.

Moving away from this part of the installation, and in the shadow of Remembrance Bridge, is the other crucial part of the story to interpret: the immeasurable contribution of 100 years of voluntary service of Legatees and Friends of Legacy to the wellbeing of these families. The story of Legacy does not exist without them. They are interpreted as the man behind the scenes. They are the people not seeking recognition but who dedicate themselves to the service of others. As the Legacy movement began predominantly with returned servicemen, a Legatee will be represented as a veteran wearing his medals. He is very carefully positioned with the Remembrance Bridge behind him. The Remembrance Bridge represents his fallen comrades and they have 'got his back', helping him to keep the promise to care for their families. He will be taking a photo of their families. In keeping with the fun and educational aspect, Leadbeater's possum appears, tail curled around one leg of the camera tripod. The aim is that the Legatee is honoured and photogenic in his own right, but also that people will stand next to him and take a photo from the same position.

Clothing. To interpret the passing of 100 years, the clothing of the mother, son and daughter will cover three generations, including present day. Time passing will also be captured by the cameras. The Legatee will use a vintage folding camera from the 1930 – 1940's. The Leadbeater's Possum will also be taking a photo but using a smartphone.

Siting the installation. The Queen's Domain encompasses the most significant places of remembrance in our military history. Outside of the Australian War Memorial we know of no other city in Australia where one may walk an unbroken path honouring this history. Legacy intimately encompasses this military history since 1923. After very careful consideration of the amenities on the Domain, it is proposed the installation be located at the western end of Remembrance Bridge and looking up towards the Cenotaph. The installation is approx. 30 m back from the entrance of the Bridge and does not impact on the sanctity of the space from the end of the Bridge looking up to the Cenotaph.

Braille. Inspired by the very beautiful bronze Tasmanian devils at the Hobart International Airport, there will be braille encryption on the installation.

Commemorative plaque. There will be a suitable plaque and interpretive panel that educates the audience to the message behind the installation and a thank you to the community who has made the installation a reality.

The installation post 2023. The citing of the installation is extremely important. It is not simply another bronze. As stated, the Remembrance Bridge is a representation of the Legatees fallen comrades. The 'flange' design has potential to be used as a 'canvas' on which to project photographic footage and film. David Brill, one of Australia's most respected war documentary cinematographers and video-journalists, has 'gifted' to Hobart Legacy, any footage they may wish to use from his stunning archive. Furthermore, it is possible that special footage is shown on significant days such as Anzac Day, National Servicemen's Day, Battle of Hat Dich, Battle of Coral Sea et al. Special days could encompass ADF families bringing their own family photos – having them projected onto the bridge or behind the seat. The bronze would be a poignant place for school children to learn more about Australia's military and Legacy history. There are endless opportunities.

Suzanne Curry
Friend of Hobart Legacy
suzannecurrydesigns@gmail.com
0438 853 557
April 2022

Note: No part of the concept may be altered without the permission of the designer.

In the trenches of the Western Front during World War I, a soldier said to his dying mate 'I'll look after the missus and kids'. This became known as The Promise – and it is still kept today.

In 2023 Legacy will commemorate 100 years of voluntary service to the families of Defence Force personnel who died or have lost their health as result of their military service. Across the nation, Australians will be



given the opportunity to acknowledge this proud milestone in Legacy's history. Legacy is particularly significant in Tasmanian as one of the two founding fathers of Legacy, Sir John Gellibrand, was born in Ouse. There will be significant commemorative projects across Australia beginning in late 2022 to 2024.

Many Australian's recognise the symbol of Legacy – its Torch and Wreath of Laurel. The Torch signifies the undying flame of service and sacrifice of those who gave their lives for Australia. The Wreath of Laurel with its points inverted is the symbol of our remembrance of them.

One significant project to commemorate the Centenary will be the national release of a new cultivar of the plant genus *Grevillea*. *Grevillea* 'LegacyFlame' has been specifically chosen to resonate with the symbology

of the Torch as it has an abundance of long flowering red/orange flower spikes. Hobart Legacy has carriage of this national project and the official launch of the *Grevillea* will be in Hobart in early 2023.

G. 'LegacyFlame' is easy care, water wise, small in size, beautifully coloured, bird attracting and will grow across most of Australia's plant hardiness zones. The cultivar is being developed in New South Wales by Bywong Nursery, experts in the development of *Grevillea* cultivars.

Propagation continues with tube stock arriving in wholesale nurseries in Victoria (Greenhills Propagation Nursery, Tynong, Victoria) and Westland Nurseries, Seven Mile Beach, Tasmania). The process of developing tube stock to propagation partners to wholesale growers around Australia is approximately 18 months (but may vary markedly between states). By Spring of 2022, all states bar Northern Territory will be receiving tube stock from propagators. We will be encouraging all Legacy Clubs across Australia (bar NT) to approach their major Councils in relation to purchasing our *Grevillea*.

We are currently going through the process of Plant Breeders Rights (PBR) which will ratify the name and protect the plant once it is in circulation (i.e. no other nursery is allowed to lawfully grow and distribute G. 'LegacyFlame').

In March 2021 we approached Angus Stewart, seeking his support at our proposed national launch in Hobart in March 2023. Angus is a well-known Australian horticulturist who now lives in Tasmania. He has been in the industry over 40 years and worked on Gardening Australia for many years. Furthermore, he has worked with both Bywong and Westland Nurseries. We were delighted he said yes.

In May 2021, we approached Gill Lomas, Executive Producer, Gardening Australia, asking if our *Grevillea* could be launched nationally from Hobart in March 2023. Ms Lomas indicated some interest and we are now following this up by approaching the Chair of the ABC, Ita Buttrose.

In preparation for the launch we are delighted that Mark Van der Staay, Director of Westland Nurseries has agreed to grow and sponsor 200 mature plants for the launch. They are the wholesale propagators for the whole of Tasmania. These plants will provide a significant, colourful and beautiful backdrop to many of our 2023 activities: at the official launch, at the Cenotaph, Legacy Park, Tasmanian Museum and Art Gallery, St David's Cathedral, Government House, etc.

The development of the *Grevillea* is for three reasons:

- to give people the opportunity to thank Legacy by the purchase of the plant/s
- to increase awareness of the work of Legacy
- to raise money for Legacy's core business. The royalty to Legacy is 80 cents and that will be directed to the Legacy Clubs in the state where they plants are sold to help them continue their work.

Hobart Legacy is now approaching Tasmanian Councils, RSL's, Botanical Gardens, schools etc. asking if they would consider inclusion of G. 'LegacyFlame' in planting programs in 2022-2023 and 2023-2024. For Councils, we are suggesting 250 plants for each year (i.e. total of 500 plants over 2 years). Plant spacing is approx. 2 per square metre. Wholesale cost to councils per plant is \$11.60 per 140mm pot. When planted in mass they will make a beautiful show.

Our purpose in approaching you now relates to propagation/growing timeframes. Westland Nurseries needs to commence its propagation program over the next 6 months to guarantee that our *Grevillea* will be ready for early 2023. Therefore, we are seeking pledges to purchase the *Grevillea* now. We would love to see Tasmania ablaze with G. 'LegacyFlame'.

We are hoping that with your help this will become a reality. Of course, past our Centenary, we will continue to market our *Grevillea* so it can continue to assist Legacy's core work into the future.

Please don't hesitate to contact Suzanne Curry, National Project Coordinator for this project on 0428 853 557, email suzannecurrydesigns@gmail.com if you need further information.

Paul Crew
Chair
Hobart Legacy 2023 Centenary Committee
6 March 2022



Tony Voss, Westland Nurseries Production Manager with the very first Grevillea LegacyFlame plants in Tasmania August 2021



In the trenches of the Western Front during World War I, a soldier said to his dying mate 'I'll look after the missus and kids'. This became known as The Promise – and it is still kept today.

PLEDGE FORM

In 2023 Legacy will commemorate 100 years of voluntary service to the families of Defence Force personnel who died or have lost their health as result of their military service. Across the nation, Australians will be given the opportunity to acknowledge this proud milestone in Legacy's history. Legacy is particularly significant in Tasmanian as one of the two founding fathers of Legacy, Sir John Gellibrand, was born in Ouse. The development of a new Grevillea cultivar (*Grevillea* 'LegacyFlame') has been developed to commemorate this significant event and will be launched nationally from Hobart in March 2023.

Pledger name:

Program: Centenary of Legacy 2023 - *Grevillea* 'LegacyFlame'

Address:

Phone:

Email:

Pledge Description: The purchase of*Grevillea* 'LegacyFlame' plants over the two financial years 2022-2023 and 2023-2024. Cost to Council (from Wholesale Nursery Westland Nurseries) is \$11.60 per 140 mm pot.

Signature:

Date:

Project Coordinator: Suzanne Curry, Hobart Legacy 2023 Centenary Committee

suzannecurrydesigns@gmail.com

0438 853 557



Central Highlands Council

MINUTES – ORDINARY MEETING – 15 MARCH 2022

Minutes of an Ordinary Meeting of Central Highlands Council held in the Hamilton Town Hall, Hamilton on Tuesday 15 March 2022, 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.

2.0 ACKNOWLEDGEMENT OF COUNTRY

3.0 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer (9.07am), Clr A W Bailey, Clr A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

3.1 IN ATTENDANCE

Mrs Lyn Eyles (General Manager), Mrs Adam Wilson (Deputy General Manager), Mrs Janet Monks (Minute Secretary)

4.0 APOLOGIES

Clr S Bowden – Leave of Absence

5.0 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.

17.10 Bothwell Historical Society – Clr J Poore is a member of the Bothwell Historical Society

6.0 CLOSED SESSION OF THE MEETING

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

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

Moved: Cllr A Campbell

Seconded: Cllr J Honner

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	Local Government (Meeting Procedures) Regulations 2015
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 15 February 2022	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
2	Confidential Report	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
3	Tenders – Gravel Crushing	Regulation 15 (2)(d) – contracts and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
4	Legal Opinion	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
5	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

FOR the Motion

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

6.1 MOTION OUT OF CLOSED SESSION

Moved: Cllr J Honner

Seconded: Cllr R Cassidy

THAT the Council:

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

Item Number	Matter	Outcome
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 15 February 2022	Minutes of the Closed Session of the Ordinary Meeting of Council held on 15 February 2022 were confirmed
2	Confidential Report	Council noted the report
3	Tenders – Gravel Crushing	Council accepted the tender from Fieldwicks Crushing Pty Ltd
4	Legal Opinion	Council noted the legal advice received
5	Consideration of Matters for Disclosure to the Public	Matters were considered

CARRIED

FOR the Motion

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

OPEN MEETING TO PUBLIC

Due to COVID-19 a limit of 4 members of the public, at any one time will be applied.

7.0 DEPUTATIONS

10.15-10.30 Anthony McConnon – update to Council - apology
 10.30-10.45 Josie Kelman – Clyde River – arrived at 10.25
 10.45-11.00 Yvonne Miller – Hamilton Show Society – Hall of Industries – arrived at 10.40
 Jack Beatie – Hamilton Show Society – arrived at 10.45

7.1 PUBLIC QUESTION TIME

8.0 MAYORAL COMMITMENTS

11 February 2022 to 9 March 2022

15 February 2022 Ordinary Meeting of Council – Bothwell
 17 February 2022 Vietnam Veterans Retreat – Official Opening
 22 February 2022 Bothwell ILU Meeting and interviews
 02 March 2022 States Grants Commission Hearings
 03 March 2022 Opening of Maude Poynter Exhibition, Visitor Centre, Bothwell
 05 March 2022 Opening of the Hall of Industries – Hamilton Show
 05 March 2022 Morning Tea with Her Excellency the Honourable Barbara Baker AC and dignitaries
 07 March 2022 Speaker at The International Women's Day – New Norfolk
 07 March 2022 Breakfast meeting with the Leader of the Opposition Rebecca White MP
 08 March 2022 Bothwell Bicentennial Workforce Group Meeting
 09 March 2022 Australia Day Awards Presentation, Bothwell

- Business of Council x 9
- Ratepayer and community members - communications x 14
- Elected Members - communications x 8
- Central Highlands Council Management - communications x 3

8.1 COUNCILLOR COMMITMENTS

Deputy Mayor J Allwright

15 February 2022	Ordinary Meeting of Council – Bothwell
23 February 2022	Bushwatch – Westerway
28 February 2022	Audit Panel, Hamilton
02 March 2022	Waste Committee, Bothwell
09 March 2022	Australia Day Awards Presentation, Bothwell

Clr A Archer

15 February 2022	Ordinary Meeting of Council – Bothwell
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Clr A Bailey

15 February 2022	Ordinary Meeting of Council – Bothwell
22 February 2022	Bothwell ILU Meeting and interviews
28 February 2022	Audit Panel Meeting, Hamilton
09 March 2022	Australia Day Awards Presentation, Bothwell

Clr A Campbell

10 February 2022	Clyde Water Trust Meeting, Bothwell
15 February 2022	Ordinary Meeting of Council – Bothwell
28 February 2022	Audit Panel Meeting, Hamilton
03 March 2022	Opening of Maude Poynter Exhibition, Visitor Centre, Bothwell
08 March 2022	Bothwell Bicentennial Workforce Group Meeting
09 March 2022	Australia Day Awards Presentation, Bothwell

Clr R Cassidy

15 February 2022	Ordinary Meeting of Council – Bothwell
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Clr J Honner

15 February 2022	Ordinary Meeting of Council – Bothwell
02 March 2022	Waste Committee, Bothwell
08 March 2022	Bothwell Bicentennial Workforce Group Meeting
09 March 2022	Australia Day Awards Presentation, Bothwell
13 March 2022	Central Highlands Shackowners Association Meeting, Miena

Clr J Poore

15 February 2022	Ordinary Meeting of Council – Bothwell
02 March 2022	Waste Committee, Bothwell

STATUS REPORT COUNCILLORS

8.2 GENERAL MANAGER'S COMMITMENTS

15 February 2022	Council Meeting
22 February 2022	Bothwell ILU Meeting
24 February 2022	State Grants Commission Teams Meeting
24 February 2022	CBA Cyber Security Webinar
28 February 2022	Audit Panel Meeting
28 February 2022	Meeting Fae Robinson
02 March 2022	Grants Commission Hearing via Teams

07 March 2022	Izaak de Winter Internal Review
08 March 2022	Bothwell Bicentennial Working Group meeting
09 March 2022	Aust Day Presentations
10 March 2022	Citizenship Ceremony Miena

8.3 DEPUTY GENERAL MANAGER'S COMMITMENTS

16 February 2022	MAGIQ Documents 8.8 upgrade meeting
23 February 2022	Central Highlands Council internal audit dates
23 February 2022	UTS presentation #1 - Local government: game changers in chronic disease prevention
28 February 2022	Audit Panel meeting
01 March 2022	MAV Insurance Best Practice Forum
02 March 2022	State Grants Commission - 2022 Southern Hearings
02 March 2022	Spirit Super meeting
03 March 2022	LG Professionals Tas: HR Special Interest Group meeting
04 March 2022	Central Highlands Council internal audit meeting
08 March 2022	Bothwell Bi-Centenary Working Group
09 March 2022	MAGIQ Documents V8.8 Overview Training

9.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

Nil

9.1 FUTURE WORKSHOPS

iPad/IT Workshop – May 2022 - date to be confirmed

10.0 MAYORAL ANNOUNCEMENTS

Mayor Triffitt attended the official opening of the Vietnams Veterans Retreat at Dago Point, Lake Sorell Interlaken on 17th February. Mayor Triffitt tabled a 'Certificate of Appreciation' from Terry Row JP, State President in recognition of Council's generous support towards establishment of the retreat.

Mr G Rogers Manager DES attended the meeting at 10.13

11.0 MINUTES

11.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING 15th FEBRUARY 2022

Moved: Clr J Honner

Seconded: Clr J Poore

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 15th February 2022 be received.

CARRIED

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, Clr J Poore

11.2 CONFIRMATION OF DRAFT MINUTES ORDINARY MEETING 15th FEBRUARY 2022

Moved: Cllr A Campbell

Seconded: Cllr A Bailey

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 15th February 2022 be confirmed.

CARRIED

FOR the Motion

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

11.3 RECEIVAL DRAFT MINUTES ILU 22ND FEBRUARY 2022

Moved: Cllr A Bailey

Seconded: Cllr J Honner

THAT the Draft Minutes of the Independent Living Units Committee Meeting held on Tuesday 22nd February 2022 be received.

CARRIED

FOR the Motion

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

11.4 RECEIVAL DRAFT MINUTES AUDIT PANEL 28th FEBRUARY 2022

Moved: Deputy Mayor J Allwright

Seconded: Cllr R Cassidy

THAT the Draft Minutes of the Audit Panel Meeting held on Tuesday 28th February 2022 be received

CARRIED

FOR the Motion

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

11.5 RECEIVAL DRAFT MINUTES WASTE COMMITTEE MEETING 2ND MARCH 2022

Moved: Cllr J Poore

Seconded: Cllr J Honner

THAT the Draft Minutes of the Waste Committee Meeting held on Wednesday 2nd March 2022 be received

CARRIED

FOR the Motion

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

12.0 BUSINESS ARISING:

- 10.0 Anthony McConnon attending Council Meeting
- 15.4 DES Manager Progressing
- 15.2 Consultant Planner progressing
- 15.3 Deferred to March meeting
- 15.6 DES Manager Progressing
- 15.7 General Manager obtaining legal advice
- 15.9 Correspondence sent by Deputy GM
- 16.1 Work schedule updated
- 16.3 Policy on website
- 16.4 Correspondence forwarded
- 17.2 Donation made
- 17.4 Correspondence sent by Deputy GM
- 17.5 LGAT advised of Council's decision
- 17.6 Invitations sent by Katrina
- 17.8 Correspondence forwarded by GM
- 17.9 Correspondence forwarded by GM
- 17.10 Correspondence forwarded by Deputy GM
- 18.1 Correspondence sent by GM & Josie Kelman attending meeting
- 18.2 DES Manager to organise
- 18.3 New phones ordered
- 18.4 Deputy GM preparing PD

13.0 DERWENT CATCHMENT PROJECT REPORT

Moved: Cllr J Honner

Seconded: Cllr A Archer

THAT the Derwent Catchment Project Monthly Report be received. See Attachments. Page 31

CARRIED

FOR the Motion

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

14.0 FINANCE REPORT

Moved: Cllr J Poore

Seconded: Cllr R Cassidy

THAT the Finance Reports be received.

CARRIED

FOR the Motion

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

15.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

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

Moved: Clr J Honner

Seconded: Clr J Poore

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 A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

15.1 SOUTHERN TASMANIAN COUNCILS' AUTHORITY / REGIONAL CLIMATE CHANGE INITIATIVE – DRAFT REGIONAL STRATEGY

Moved: Clr J Poore

Seconded: Clr J Honner

THAT Councillors provide their comments on the draft Regional Strategy – Adapting to a Changing Tasmanian Coastline to the General Manager by Friday the 25 March 2022 so that a Council can provide comments to the Southern Tasmanian Councils Authority.

CARRIED

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, Clr J Poore

15.2 CENTRAL HIGHLANDS DRAFT LOCAL PROVISIONS SCHEDULE

Motion 1

Moved: Deputy Mayor J Allwright

Seconded: Clr A Campbell

THAT (Pending receipt of quotes and timeframes from suitably qualified agricultural consultants to undertake a review of the allocation of the Rural and Agriculture zones.)

CARRIED 7/1

FOR the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr J Honner, Clr J Poore

AGAINST the Motion

Clr R Cassidy

Motion 2

Moved: Clr R Cassidy

Seconded: Clr A Archer

THAT Council request an extension of four months to allow for a review of the allocation of the Rural and Agriculture zones to be carried out by suitably qualified agricultural consultant.

CARRIED 7/1

FOR the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A Bailey, Cllr A Campbell, Cllr R Cassidy
Cllr J Honner,

AGAINST the Motion

Cllr J Poore

15.3 REQUEST FOR LANDOWNER CONSENT TO LODGE DEVELOPMENT APPLICATION: 3457 LYELL HIGHWAY, GREYNA

Moved: Cllr A Bailey

Seconded: Cllr J Poore

THAT Council agree to provide landowner consent for the lodgement of a Development Application under Section 52 (1B) of the *Land Use Planning and Approvals Act 1993* for an extension and alterations (2 pods for storage of PPE clothing) at 3457 Lyell Highway, Greytna; and

THAT the General Manager be authorised to sign the landowner consent.

CARRIED

FOR the Motion

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

15.4 SHEEP DOG TRIALS – BOTHWELL RECREATION GROUND

Moved: Cllr R Cassidy

Seconded: Cllr A Campbell

THAT:

1. Permission be given to the Tasmanian Working Sheep Dog Association to hold sheep dog trials at the Bothwell Recreation Ground on 1, 2 and 3rd April 2022 subject to the following:
 - (a) A copy of the Public Liability Insurance for the event be provided to Council prior to the event.
 - (b) Consultation with the Works & Services Manager on ground conditions prior to the event;
 - (c) A booking being made for the ground through the Bothwell office; and
 - (d) The Tasmanian Working Sheep Dog Association be advised that the Association will need to re-apply for future sheep dog trials.
 - (e) Permission to camp at the grounds is granted
2. Council remit the hire fee for the use of the Bothwell Recreation Ground for the event.
3. Council advise the Bothwell Football Club of the dates of the event

CARRIED

FOR the Motion

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

15.5 INLAND FISHERIES SERVICE: NAMING OF TWO LAKES

Moved: Clr J Honner

Seconded: Clr A Bailey

THAT Council provide written support to Inland Fisheries Services for the naming of the two lakes being Lake Duncan and Lake Lynch.

CARRIED

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, Clr J Poore

15.6 TASMANIA HERITAGE REGISTER: REMOVAL OF ENTRIES

Moved: Clr R Cassidy

Seconded: Clr A Bailey

THAT future notifications of intention to remove entries from the Tasmania Heritage Register are presented to Council in a timeframe that allows for discussion and review.

CARRIED 7/1

FOR the Motion

Mayor L Triffitt, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

AGAINST the Motion

Deputy Mayor J Allwright

15.7 WASTE TENDER UPDATE

NOTED

15.8 OPENING HOURS – WASTE SITES

Below is a comparison showing the current and proposed hours.

Hamilton Refuse Disposal Site		
Daylight Saving	Remainder of Year	Proposed
12 hours per week	9 hours per week	12 hours per week year round

Bothwell Waste Transfer Station		
Daylight Saving	Remainder of Year	Proposed
10 hours per week	6 hours per week	12 hours per week year round

Bronte Park Waste Transfer Station		
Daylight Saving	Remainder of Year	Proposed
11 hours per week	7 hours per week	12 hours per week year round
Plus Monday Public Holidays		
3 hours per day	3 hours per day	4 hours per day

Miena Waste Transfer Station		
Daylight Saving	Remainder of Year	Proposed
9 hours per week	6 hours per week	12 hours per week year round
Plus Monday Public Holidays		
3 hours per day	3 hours per day	4 hours per day

This matter was discussed at the Waste Committee Meeting held on Wednesday 2nd March 2022 with the Waste Committee endorsing the proposed increase and standardising of the opening days and hours at all waste sites.

Moved: Clr J Poore

Seconded: Clr R Cassidy

THAT a decision be deferred in relation to change in operating hours of waste sites until associated costs are available to allow for consideration at Council's budget deliberations.

CARRIED

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, Clr J Poore

15.9 WASTE LEVY PRESENTATION

Moved: Clr J Honner

Seconded: Clr R Cassidy

THAT LGAT representative be invited to a future meeting of Council to present the PowerPoint presentation on the Waste Levy

CARRIED

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, Clr J Poore

15.10 UPDATE ON REPAIRS TO OUSE HALL - OUSE & HIGHLANDS COMMUNITY ALIVE

Moved: Clr Deputy Mayor J Allwright

Seconded: Clr J Poore

THAT the Manager DES provide costings for the Ouse Hall repairs for consideration at Council's budget deliberations.

CARRIED 7/1

FOR the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr J Honner, Clr J Poore

AGAINST the Motion

Clr R Cassidy

15.11 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
2022 / 00014	T J & F J Horan	13 Warner Road, Breona	Outbuilding (Shipping Container)
2022 / 00018	Lachlan Walsh Design	2 Pauciflora Drive, London Lakes	Dwelling

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2021 / 00119	Longview Design & Drafting	491 Upper Mill Road, Hamilton	Veranda & Landscaping
2022 / 00003	P & M Cassar-Smith	Ellendale Road, Ellendale (CT 228964/1)	Dwelling
2021 / 00071	Rogerson & Birch Surveyors	(Part Of) 691 Ellendale Road & CT 165870/4 Ellendale Road, Ellendale	Boundary Reorganisation
2022 / 00007	G B Tobin	11 Warner Road, Breona	Dwelling Additions and Alterations

ANIMAL CONTROL**IMPOUNDED DOGS**

No dogs have been impounded during the past month.

STATISTICS AS OF 9 MARCH 2022**Registrations**

Total Number of Dogs Registered in 2020/2021 Financial Year – 978

2021/2022 renewal have been issued.

- Number of Dogs Currently Registered - 923
- Number of Dogs Pending Re-Registration – 29

Kennel Licences

Total Number of Kennel Licences Issued for 2020/2021 Financial Year – 29

2021/2022 Renewal have been Issued.

- Number of Licences Issued – 30
- Number of Licences Pending – 0

Mr G Rogers Manager DES left the meeting at 11.00

AGENDA ITEM 7 - DEPUTATIONS

Moved: Clr A Campbell

Seconded: Clr J Honner

THAT Council moved back to Item 7 Deputations

CARRIED

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, Clr J Poore

Mr J Branch Manager Works & Services attended the meeting at 11.10

7.1 JOSIE KELMAN, EXECUTIVE OFFICER, THE DERWENT CATCHMENT PROJECT –

The following points were discussed:

1. State of the Clyde River – what can be done –
 - A applying for funds through Landcare Action Funds Grant for river health
 - B work with Manager Works & Services to address issues at Croakers Alley
2. Catchment Plan funding - one of the components of this funding is river restoration program and water quality outcomes
3. Drought Funds – funds for an additional role within the Derwent Catchment Project team
4. Weed Management Plan - CHC

Moved: Deputy Mayor J Allwright

Seconded: Clr A Bailey

THAT Council's Works Manager prepare costings in conjunction with the Derwent Catchment Project Coordinator for consideration at Council's budget deliberations to expand weed management on roadsides within Council's Road Network.

CARRIED

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, Clr J Poore

7.2 HAMILTON SHOW SOCIETY – JACK BEATTIE, PRESIDENT OF THE HAMILTON SHOW SOCIETY AND YVONNE MILLER, HALL OF INDUSTRIES COORDINATOR

Jack thanked Council for the support given to the Hamilton Show Society Committee in preparing for the event and throughout the event.

Home Industries Building – Yvonne Miller

Points discussed: Re Hall of Industries Building

- major maintenance is required to bring the building up to a satisfactory state
- concerns were raised over health and safety issues with existing building
- fit for purpose building – best solution going forward – apply for grant funds

RESOLVED THAT

Council defers making a decision until the Hamilton Show Society Committee have met and discussed the preferred solution for the upgrade/repairs of the Hall of Industries Building. Jack to attend the next meeting of Council to discuss the outcome.

Assets and Infrastructure at the Hamilton Showgrounds

Points discussed:

- Concern over damage to Council and the Show Society's infrastructure by wandering livestock
- Fencing upgrades and repairs
- Negotiations with neighbouring landowner in controlling wandering livestock

Motion 1

Moved: Clr R Cassidy

Seconded:

THAT Council write to the neighbouring landowner expressing it is Council's priority to protect the integrity of its assets at all costs.

Lapsed

Motion 2

Moved: Clr A Campbell

Seconded: Deputy Mayor J Allwright

THAT the delegated Councillors meet with the neighbouring landowner to reach a resolution.

FOR the Motion

Deputy Mayor J Allwright, Clr A Bailey, Clr A Campbell, Clr J Honner,

AGAINST the Motion

Mayor L Triffitt, Clr A Archer, Clr R Cassidy, Clr J Poore

LOST 4/4

Motion 3

Moved: Clr J Poore

Seconded: Clr R Cassidy

THAT Council seek legal advice regarding what options are available to rectifying the issue with damage to Council's assets by livestock from the neighbouring landowner.

Lapsed

Motion 4

Moved: Clr R Cassidy

Seconded: Clr A Bailey

THAT Council acquire the said parcel of land

Lapsed

Motion 5

Moved: Deputy Mayor J Allwright

Seconded: Clr R Cassidy

THAT Council obtain further information including maps of the area and defer the decision until the April meeting.

CARRIED 7/1

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,

AGAINST the Motion

Clr J Poore

16.0 WORKS & SERVICES

Moved: Clr R Cassidy

Seconded: Clr A Bailey

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 A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

16.1 BLACK SUMMER BUSHFIRE RECOVERY GRANT

Moved: Clr J Honner

Seconded: Clr J Poore

THAT Council authorise the Works and Service Manager to sign the Black Summer Bushfire Recovery Grants Program - BSB000468 Procure 2 Variable Messaging Boards grant agreement on the portal.

CARRIED

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, Clr J Poore

16.2 TARGA TASMANIA 2022 ROAD CLOSURE APPLICATION

Moved: Deputy Mayor J Allwright

Seconded: Clr R Cassidy

THAT Council Works and Services Manager write to Targa stating that Council have no objection and are aware of the event.

CARRIED

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, Clr J Poore

16.3 SPORT & RECREATION EQUIPMENT GRANT PROGRAM

Moved: Clr J Honner

Seconded: Clr A Bailey

THAT Council authorise the General Manager to sign the grant deed for the Sport and Recreation Equipment Grant.

CARRIED

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, Clr J Poore

16.4 CROAKERS ALLEY – FOOT BRIDGE - UPDATE

Noted

16.5 KOMATSU GRADER

Noted

18.0 SUPPLEMENTARY AGENDA

RESOLVED THAT the Council move to Supplementary Agenda Item 18.1 - Highlands Lakes Road 'Little Den Creek'

18.1 HIGHLANDS LAKES ROAD 'LITTLE DEN CREEK'

Moved: Clr R Cassidy

Seconded: Clr A Campbell

THAT Council send a letter to the Honourable Roger Jaensch MP, The Minister for State Growth:

- (a) asking when the Highlands Lake Road, near 'Little Den Creek' will be repaired; and
- (b) When will safety barriers be installed

CARRIED

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, Clr J Poore

Mr J Branch Manager Works & Services left the meeting at 12.03

17.0 ADMINISTRATION

17.1 REMISSIONS UNDER DELEGATION

The General Manager has granted the following remission under delegation:

03-0224-01173	\$27.70	Penalty on property sold
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Moved: Clr J Honner

Seconded: Clr R Cassidy

THAT the remission under delegation be noted.

CARRIED

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, Clr J Poore

17.2 FUTURE FOR LOCAL GOVERNMENT REVIEW

Noted

17.3 BLACK SUMMER BUSHFIRE RECOVERY GRANT – BSB000190 BRONTE PARK COMMUNITY ‘GET TOGETHER’ MEETING, FAMILY AREA PLAYGROUND

Moved: Clr J Honner

Seconded: Clr A Bailey

1. **THAT** Council allocate \$15,000 in the 2022/23 capital works budget to the Bronte Park Community ‘Get Together’ Meeting, Family Area Playground, to ensure it meets the requirements of the grant funding deed; and
2. **THAT** Council authorise the Deputy General Manager or the General Manager to sign the Black Summer Bushfire Recovery Grants Program - BSB000190 Bronte Park Community ‘Get Together’ Meeting, Family Area Playground grant agreement on the portal.

CARRIED

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, Clr J Poore

17.4 BLACK SUMMER BUSHFIRE RECOVERY GRANT – BSB000378 HAMILTON MULTIPURPOSE COMMUNITY RECOVERY BUILDING

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council authorise the Deputy General Manager or the General Manager to sign the Black Summer Bushfire Recovery Grants Program - BSB000378 Hamilton multipurpose community recovery building grant agreement on the portal.

CARRIED

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, Clr J Poore

17.5 BLACK SUMMER BUSHFIRE RECOVERY GRANT – BSB000327 PLAY EQUIPMENT BOTHWELL

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council authorise the General Manager to sign the Black Summer Bushfire Recovery Grants Program - BSB000327 Play Equipment Bothwell grant agreement on the portal.

CARRIED

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, Clr J Poore

17.6 IMMUNE DEFICIENCIES FOUNDATION AUSTRALIA FUNDING SUPPORT 2022

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council donate \$240 to the Immune Deficiencies Foundation Australia Annual Fundraising event “Razzamatazz”.

CARRIED

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, Clr J Poore

17.7 HELICOPTER LANDING SITE AT BRADY’S LAKE

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council send a letter to the Honourable Roger Jaensch MP, The Minister for State Growth asking that the State Government construct a helicopter landing site near the Lyell Highway at Brady’s Lake.

CARRIED 7/1

FOR the Motion

Mayor L Triffitt, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

AGAINST the Motion

Deputy Mayor J Allwright,

17.8 MOTION FROM AUDIT PANEL

The Audit Panel met on Monday 28 February 2022 and reviewed the statutory financial requirements report, financial reports, risk management register and policy review.

The Audit Panel recommended that Council adopt the attached risk management register.

Moved: Clr J Poore

Seconded: Deputy Mayor J Allwright

THAT Council adopt the Risk Management Register.

CARRIED

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, Clr J Poore

17.9 ANZAC DAY SERVICES

Moved: Clr J Honner

Seconded: Clr J Poore

THAT the following Councillors assist with the preparation for the following Anzac Day Services and be appointed as emcees for the service:

Gretna Dawn Service, - Mayor L Triffitt, Clr A Bailey
 Hamilton 11.00am Service, – Deputy Mayor J Allwright, Clr A Bailey
 Bothwell 11.00am Service, - Mayor L Triffitt, Clr A Campbell, Clr J Honner, Clr J Poore
 Fentonbury Dawn Service, - Deputy Mayor J Allwright

Other services - noted
 Arthurs Lake Shop – Dawn Service
 Bronte Park – Service

Wreaths to be made available for all services

CARRIED

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, Clr J Poore

Clr J Poore declared an interest as a member of the Bothwell Historical Society and did not vote

17.10 REQUEST FROM BOTHWELL HISTORICAL SOCIETY INC.

Moved: Clr J Honner

Seconded: Clr R Cassidy

THAT the General Manager write to the Queen Victoria Museum in Launceston requesting the loan of a small selection of the Bothwell Literary Society Library books be available for public display in Bothwell with appropriate explanatory panels.

CARRIED

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,

17.11 HYDRO TASMANIA REGIONAL ENGAGEMENT PROGRAM

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council authorise the General Manager to sign the Hydro Tasmania funding agreement - Dunrobin Park.

CARRIED

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, Clr J Poore

17.12 HEARING LIVED EXPERIENCE SURVEY 2022

Noted

17.13 RECREATIONAL FISHING AND CAMPING FACILITIES PROGRAM

Moved: Clr J Honner

Seconded: Clr A Bailey

THAT Council authorise the General Manager to sign the grant deed for the Recreational Fishing and Camping Facilities Program Grant for the renewal of toilet block and picnic area at Dunrobin Park, Lake Meadowbank, including replacement toilet block, wastewater system, shelter, tables, seating, and public barbeque.

CARRIED

FOR the Motion

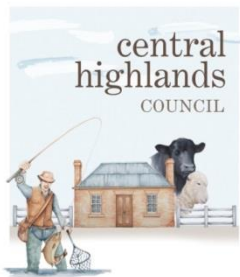
Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A Bailey, Clr A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

18.0 SUPPLEMENTARY AGENDA ITEMS

Dealt with earlier in agenda

19.0 CLOSURE

Mayor Lou Triffitt thanked everyone for their contribution and closed the meeting at 12.32pm



Minutes of the Bothwell Bi-Centenary Working Group Held in the Bothwell Football Club & Community Centre on Tuesday 8th March 2022 at 11.00am

1. PRESENT

Mayor L Triffitt (Chairperson), Cllr J Honner, Cllr A Campbell, Mrs L Eyles (General Manager), Mr A Wilson (Deputy General Manager) (attended at 11.05am), Mrs N Cove (Project Manager), Mrs J Norrish (CWA), Mr D Dyson (Bothwell Historical Society), Mrs L Jeffrey (Bothwell Tourism Association & Australasian Golf Museum), Mr T Johnston (Lions Club), Mr T Blake (Lions Club), Mr J Fowler (Community Representative) (attended at 11.10am) & Mrs K Bradburn (Minutes Secretary)

2. APOLOGIES

Mr T Burnett (Community Representative), Mrs M McKeown (Community Representative), Mrs J Turner (Bothwell District School) & Mr J Branch (Manager Works & Services)

3. CONFIRMATION OF MINUTES OF 8TH DECEMBER 2021

Moved **L Jeffrey**

Seconded **T Blake**

THAT the Draft Minutes of the Bothwell Bi-Centenary Working Group held on Wednesday 8th December 2021 be confirmed.

Carried

4. EVENT POSTPONEMENT

Discussion/Debate on a New Date

Two options were discussed with views sought on holding the festival in conjunction with Bushfest or holding the festival as a separate event.

RESOLVED that the Bothwell Bi-Centenary be held as a separate event.

Vote/Decision on New Date

RESOLVED that the Bothwell Bi-Centenary be held on the 14th, 15th & 16th October 2022.

5. FESTIVAL ACTIVATIONS

Mrs N Cove (Project Manager) advised she would provide the new dates for the festival to all current contacts.

The following updates were provided:

- Transport Museum have committed to providing the Charlie Wise bus for display only. The bus will need to be shipped up and tours of the bus will be provided with a gold coin donation to the Transport Museum.

- Ian Whittaker has committed to undertake the bus tours of Bothwell and has provided the Project Manager with a quote.
- Aboriginal displays have been locked in.
- Aboriginal dancing to be followed up further by Mayor Triffitt.
- Hydro Tasmania have committed to bring an interactive display targeted at children.
- Cllr J Honner will provide Michelle with the new date to see if she is able to attend to provide children's entertainment.
- Catering for Friday night community event by the CWA & Lions Club is in hand.
- June Pilcher from the CWA will be organising a major raffle. Possible prizes could include some artwork by the late Colin Campbell and a framed aerial shot of Bothwell.
- Mrs N Cove to contact Pete Cornelius to advise of new date for Friday night entertainment.
- Mrs N Cove advised she had contacted a period costume group and they were committed to attend.
- Period Costumes was discussed. Mrs N Cove & Mrs J Turner to liaise with the school on student participation.
- Steam Engine – Mrs N Cove advised she had made contact but they were unable to attend when we were holding the event in February but she is happy to contact them with new date.
- Spin-In Demonstrations – Christine Sutton has committed to have a display. Cllr Campbell to advise new date.
- Display of Old Farm Equipment – Mrs N Cove to provide new date.
- Display of Classic Cars – Mr T Johnston advised they have a huge amount of people wanting to attend. Tony to provide new date to Malcolm Scott.
- Opening of Places of Interest (Old Bakery, Boot Makers Building, Ratho Pidgeon Coop and Chook Roost, Old Dairy at Dennistoun & Thorpe Mill) – Mrs N Cove advised they were all onboard and more. She will now advise of new date.
- Involvement of Inland Fisheries, Hydro, Derwent Catchment, Parks & Wildlife Service etc – Mrs N Cove advised Hydro are onboard and will have a video installation running plus photographic display. They also want to run tours to Waddamana Power Station. Steppes Homestead will be open for the weekend. Displays are being set up at Visitor Centre and the TMAG ceramic display will still be at the Visitor Centre in October. A Grote Reber pop up display is also being organised.
- Croakers Alley – it was suggested Croakers Alley be utilised, possibly as a picnic area or Irish music.
- Food & Drink Suppliers – Mrs N Cove to provide local businesses with new date.
- Walk around Bothwell Brochure – Mr D Dyson advised that this has been printed. Mr Dyson was thanked for his contribution and work on the brochure.
- Historical House Signs – Mrs J Norrish advised some houses with historical significance do not have plaques and it has been suggested to her that signs be put up for the Bicentennial. Jane to discuss with the Bothwell Historical Society to see if they are interested in undertaking this. These can then be professionally designed and printed for use during the festival and beyond.
- Pipe Bands, Brass Band & Dancing – Mrs L Jeffrey to provide them with new dates.
- Contact & Engagement with Residents/Local Families – Mr J Fowler suggested a return to Bothwell picnic as an additional aspect to the festival. Mr Fowler to speak to Steve Loring from Bothwell Historical Society to see if they would be interesting in researching and organising this. Mrs N Cove advised that she was in discussions with ABC, and they could broadcast from the festival and as part of that they could interview local people. Also have something set up in Park where people can sit and talk about family history.
- Marquees – Need to book for new dates.

- Bar Facilities – Mrs N Cove has spoken to Cricket Club and will provide new dates.
- Buskers – Mrs N Cove has put a call out to Salamanca buskers but no takers to date.
- Bullocks – Brian Fish is just waiting on new date.
- RAW & Morton Group – Both onboard. Suggested that RAW could focus/promote relationships between mother/fathers & son/daughter.
- Sculpture – Eddie Freeman onboard. Need to provide new date.
- Bothwell Exercise Group – Devonshire Teas in clubrooms. T Johnston to advise them of new dates.
- Advertising – Mrs N Cove to progress now new dates have been set. ABC Radio, Digest, artwork for posters, electronic boards.
- Celebration cake.
- Blacksmith – Mr J Fowler & Mrs N Cove to work together to see if they are able to find a blacksmith to attend.
- Face painting and clay making lady – To be provided with new dates.
- Council venues including town hall – New dates to be booked.
- Heritage Horse Drawn Carriages – Mrs N Cove to provide new dates.
- Tours of Graveyard – Cllr J Honner to contact Mrs Ramsay to see if she is available & interested.
- Golf Competition – Mr A Wilson to provide Golf Committee with new dates.
- Saleable Bicentennial Items – Have been organised by the Visitor Centre.

6. OTHER BUSINESS

Nil

7. DATE OF NEXT MEETING

Tuesday 5th April 2022 at 11.00am at the Bothwell Town Hall

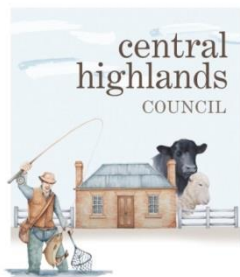
Tuesday 10th May 2022 at 11.00am at the Bothwell Town Hall

Tuesday 14th June 2022 at 11.00am at the Bothwell Town Hall

8. CLOSURE

Mayor Triffitt gave a special thanks to Mr D Dyson for his work on the Bothwell Brochure.

There being no further business Mayor Triffitt closed the meeting at 12.22pm.



**MINUTES OF THE PLANNING COMMITTEE MEETING
OF THE CENTRAL HIGHLANDS COUNCIL HELD
AT THE BOTHWELL TOWN HALL,
AT 9. 30AM ON TUESDAY 5TH APRIL 2022**

1.0 PRESENT

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

IN ATTENDANCE

Clr Honner, Clr Campbell, Ms L Brown (Planning Officer) Mr G Rogers (Manager DES), Ms P Rainbird, Mr F Hamelink, Ms M Hamelink, Ms J Sims, Mr C Evans, Ms J Thiel & Mrs K Bradburn (Minutes Secretary)

2.0 APOLOGIES

Nil

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

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 9th November 2021 to be confirmed.

Carried

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

5.0 QUESTION TIME & DEPUTATIONS

Item 6.1 – Ms J Thiel

- Concerned the Heritage Town vision is being lost.
- Will the report outlined in Conditions 3 be subject to a further appeal?
- Does Council have a Heritage Officer?

Item 6.2 – Ms J Sims

- Positioning and size of units will impact views.
- Potential for units to accommodate 6 persons per unit.

- Potential for 3-4 vehicles per unit plus boat trailers etc.
- Local infrastructure is poor with many unsealed roads. Concerned about dust, ware & tare etc.
- Noise will be increased. Water carries and amplifies noise.
- Council will be setting a precedent if this development is approved.
- Support in principle has been given at State & Federal level. Why?

6.0 DA2022/04 : SUBDIVISION (1 LOT & BALANCE) : 18 PATRICK STREET, BOTHWELL

Report by

Louisa Brown (Planning Officer)

Applicant

T N Woolford & Associates

Owner

M Gordon & S Noonan

Discretions

16.5.1 A2 (b) Development Standards Subdivision (Village Zone)
E13.8.3 A1 & A2 Subdivision in Heritage Precinct

Proposal

The proposal is to subdivide a 1000m² lot off the existing garden to the rear of 18 Patrick Street, Bothwell (the General Store). Certificate of Title 23244/8 is currently 2120m², therefore the balance of the lot will be 1120m².

The existing property access from William Street will remain to serve the Balance Lot (the General Store) and a new access for the proposed Lot 1 will be created from William Street.

A sewer line runs parallel to the eastern boundary through the Balance Lot (General Store) and cuts diagonally across the south east corner of the proposed Lot1.

An existing stone building (Barn) is located in the south west corner of the property and will be within the proposed Lot 1. This building may require some remediation, as a large crack to the north facing gable can be seen from the street. The building is prominent within the street scene. Stone from the White Hart which burnt down in 1936, was used to construct the Barn.

A large tree is located within the property, to the rear of the stone building within the south west corner of the site. The tree is prominent from Patrick Street and William Street.

The property is located within the Bothwell Heritage Precinct.

An existing drainage easement (open earth drain) is situated to the southern property boundary. The rights of drainage to the easement is within the schedule of easements within the certificate of title document.

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.7.2 of the Central Highlands Interim Planning Scheme 2015.

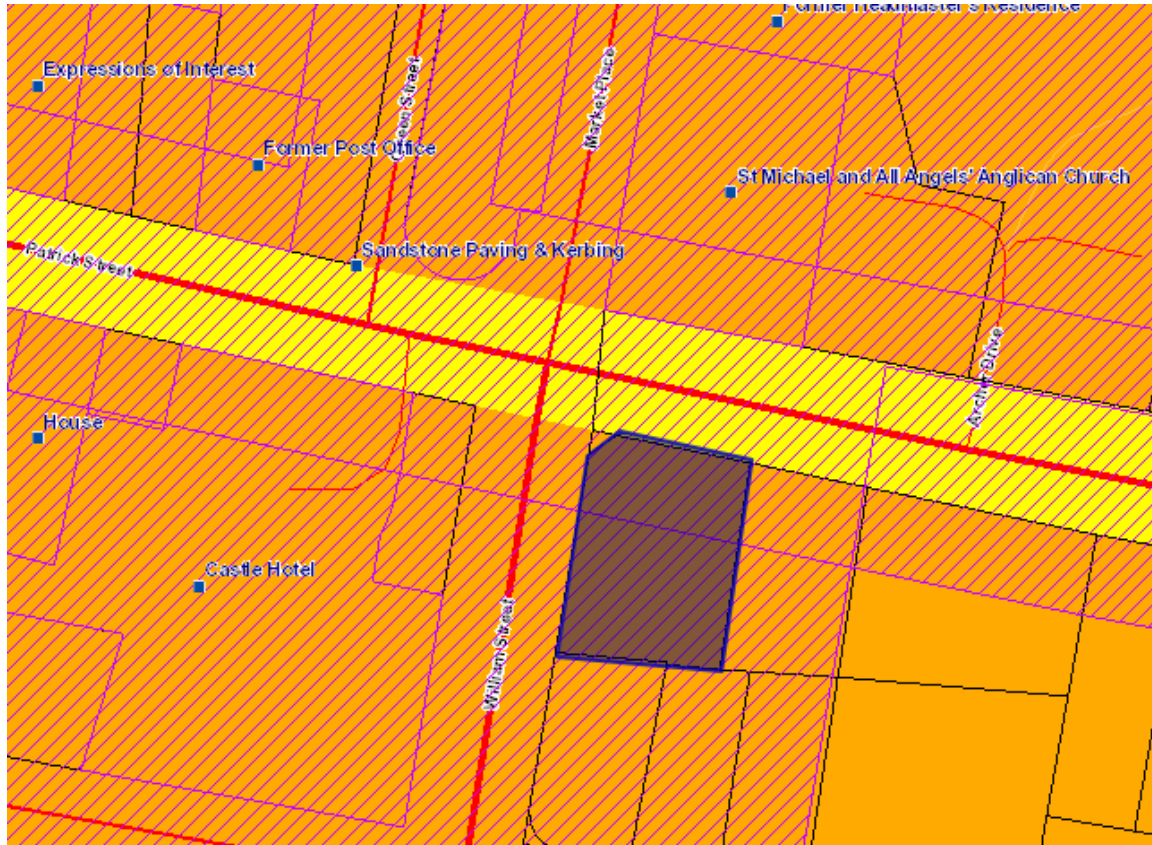
The proposal is also discretionary owing to the Heritage Precinct Overlay, as subdivision discretionary within this Code. The proposal is assessed against the subdivision standards for the Village Zone to section 16.0 and the Heritage Code pursuant of the Central Highlands Interim Planning Scheme 2015.

Subject Site and Locality

The property is located on the corner of Patrick and William Street and includes the General Store and a dwelling. Access to the General Store is via Patrick Street. A driveway to the side of the property allows for car parking for the dwelling and an additional access to the rear of the property exists from William Street.

Patrick Street is the main street of Bothwell and is characterised by historic and modern mixed use development. The property is prominent within the street scene.

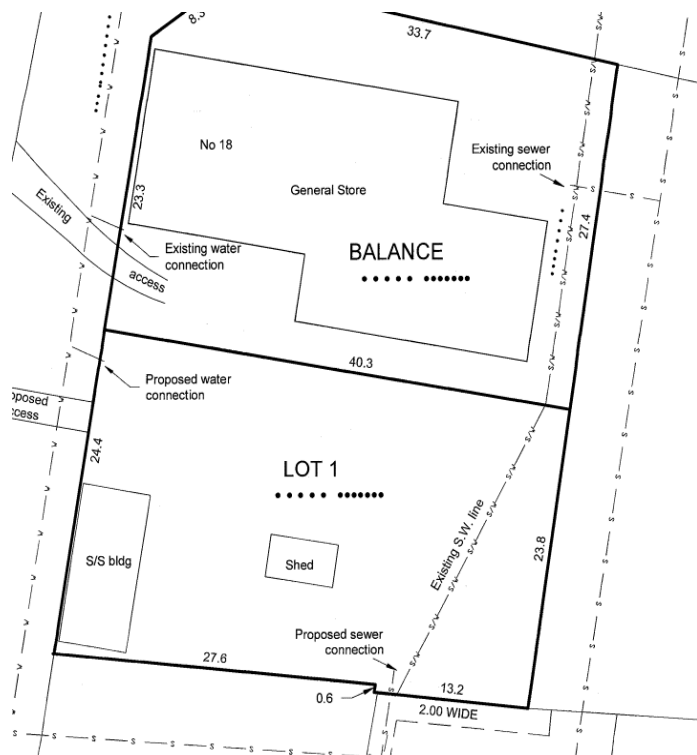
Lot sizes in the close proximity to the property, vary from 3,000m² to 1,000m². The majority of properties are zoned Village and are within the Heritage Precinct.



Map 1_The subject land and surrounding properties on Patrick Street are in the Village Zone (orange). Patrick Street (Yellow) is identified as a Utility. The Bothwell Heritage Precinct Code Overlay is shown as the purple hatched area. The subject title is marked with a blue. Source: theLIST



Map 2 _ Aerial image of the subject land and surrounding area, with the approximate boundaries marked in blue. Source: theLIST



Drawing 1. Proposed plan of Subdivision, 18 Patrick Street

Exemptions

Nil

Special Provisions

Nil

Use standards

There are no applicable use standards for subdivision.

ASSESSMENT - THE CENTRAL HIGHLANDS INTERIM PLANNING SCHEME 2015

16.0 Village Zone

The subject site is in the Village Zone. The proposal must satisfy the requirements of the following relevant development standards of this zone:

16.5 Development Standards – Subdivision

16.5.1 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 development, consistent with the Zone Purpose, located to avoid hazards and values;

<p>(c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;</p> <p>(d) are not internal lots, except if the only reasonable way to provide for efficient use of land;</p> <p>(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</p>		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) no less than 1,000 m2.</p>	<p>P1</p> <p>No Performance Criteria.</p>	<p>The proposal is for 1 lot plus balance, of which both lot sizes meet the minimum size of 1000 m2.</p> <p>The Acceptable Solution A1 (a) is met.</p>
<p>A2</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) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be 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 maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p>The property is within the Heritage Precinct Code, therefore the proposal must be assessed against the Performance Criteria P2.</p> <p>(a) Performance Criteria is met, the proposed lot 1 is 1000m² and is capable of accommodating a dwelling.</p> <p>(b) Performance Criteria is met, the proposed lot 1 meets the Applicable Standards of the Historic Heritage Code.</p> <p>(c) Performance Criteria is met, the proposed Lot 1 is a level lot, is orientated north-south parallel to the street, will not be overshadowed by adjacent properties and will therefore have good solar access.</p> <p>(d) Performance Criteria is met, earthworks, fill and excavation will be minimal as the property is level.</p> <p>(e) Performance Criteria is met, the size of the lot will provide opportunity for on site car parking and manoeuvring. There is adequate opportunity to provide private open space on Lot 1. The balance lot also has adequate private open space.</p>
A3	P3	

The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	The frontage of each lot must satisfy all of the following: (a) provides opportunity for practical and safe vehicular and pedestrian access; (b) provides opportunity for passive surveillance between residential development on the lot and the public road, (c) is no less than 6m.	The Acceptable Solution A3 is met, frontages for Lot 1 and the balance lot are greater than 15m. Lot 1 frontage is 24.4m and the balance is 33.7m
A4 No lot is an internal lot.	P4 An internal lot must satisfy all of the following: (a) the lot gains access 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; (b) it is not reasonably possible to provide a new road to create a standard frontage lot; (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot; (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure; (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use; (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; (g) passing bays are provided at appropriate distances to service the likely future use of the lot; (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; (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan. (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	The Acceptable Solution A4 is met, there are no internal lots.
A5 Setback from a new boundary for an existing building must	P5 Setback from a new boundary for an existing building must	The Acceptable Solution A5 is met.

comply with the relevant Acceptable Solution for setback.	satisfy the relevant Performance Criteria for setback.	
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Development Standards - Subdivision

16.5.2 Roads

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

- (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;
- (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The subdivision includes no new road.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority; (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian lanes, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy; (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum; (f) connectivity with the neighbourhood road network is maximised; (g) the travel distance between key destinations such as shops and services is minimised; (h) walking, cycling and the efficient movement of public transport is facilitated; (i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A; (j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints. 	<p>The Acceptable Solution A1 is met, no new roads are required.</p>

Development Standards – Subdivision

16.5.4 Services

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 It is not necessary to connect a lot to a reticulated potable water supply.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution A1.</i> <i>The application was referred to TasWater who have provided a Submission to Planning Authority Notice (SPAN).</i>
A2 Each lot must be connected to a reticulated sewerage system where available.	P2 Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution A2.</i> <i>The application was referred to TasWater who have provided a Submission to Planning Authority Notice (SPAN).</i>
A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution A3, a drainage easement is situated to the southern property boundary.</i>

Codes

E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

The applicable standards of the Code are addressed in the following tables:

Development Standards		
E5.6.2 Road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:	<i>Acceptable Solution A1 is met.</i>

	(a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	<i>Complies with Acceptable Solution A2, one access to William Street is proposed for Lot 1, the existing access for the Balance Lot will remain on William Street.</i>

E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development.

The location and design of the new vehicle access to Lot 1 onto William Street will comply with the relevant Acceptable Solutions of the Code and are addressed in the proposed conditions.

The number of car parking spaces and the location of car parking is relevant to future Development Applications.

Historic Heritage Code

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

In this case the proposed subdivision is located within the Bothwell Heritage Precinct.

E13.8 Development Standards for Heritage Precincts

E13.8.3 Subdivision

Objective: To ensure that subdivision within a Heritage Precinct is consistent with historic patterns of development and does not create potential for future incompatible development.

Performance Criteria	Comments
<p>P1</p> <p>Subdivision must not result in any of the following:</p> <p>(a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;</p> <p>(b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;</p> <p>(c) potential for a confused understanding of the development of the precinct;</p> <p>(d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.</p>	<p><i>It is considered that the proposed subdivision of Lot 1 of 1,000m² is in keeping with the lot sizes in the immediate vicinity of the property. The proposed subdivision is sympathetic to the heritage of the precinct.</i></p> <p><i>The proposed subdivision will enable future development that can respect the townscape qualities of the precinct and can be sympathetic to the visual amenity of the street scene.</i></p> <p><i>Future Development Applications for Lot 1 will be assessed against the Development Standards for Heritage Precincts.</i></p>
<p>P2</p> <p>Subdivision must comply with any relevant design criteria / conservation policy listed in Table E13.2.</p>	<p><i>It is considered that any Future Development for Lot 1 will be able to satisfy the design standards of table E13.2 (see below) and will be assessed against the Development Standards for Heritage Precincts.</i></p>

Table E13.2 Heritage Precincts

Bothwell Heritage Precinct

Development must satisfy all of the following:

- (a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the historical heritage values of the town setting;
- (b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;
- (c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;
- (d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;
- (e) New buildings must not visually dominating neighbouring historic buildings; and
- (f) Where feasible, additions and new buildings must be confined to the rear of existing buildings.

Representations

The proposal was advertised for the statutory 14 days period, from the 23 February 2022 to the 9 March 2022. No representations have been received.

Conclusion

The proposal for the 1000m² single lot Subdivision at 18 Patrick Street, CT 28244/8 is assessed to comply with the applicable standards of the Village 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 14 days for public comment, no representations have been 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 DA2022/4 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.

This determination has to be made no later than 22 April 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

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 DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8 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 DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, 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 DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, 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 DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, 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

Moved **Mayor Triffitt**

Seconded **Clr Cassidy**

THAT the following recommendation be made to Council:

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 DA2022/4 Subdivision (1 Lot & Balance) 18 Patrick Street, Bothwell CT28244/8, 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.

Easements

- 3) 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

- 4) 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.
- 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.

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.

Stormwater

- 7) The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's Manager Works and Services.

Access

- 8) A separate vehicle access must be provided from William Street to Lot 1. Access must be sealed with a minimum width of 3.6 metres at the property boundary to meet the existing Council sealed road reserve.
- 9) The access must be constructed in accordance with the construction and sight distance standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's Manager Works and Services.

TasWater

- 10) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2022/00223-CHL, dated 18/02/2022.

Final Plan

- 11) 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.
- 12) A fee in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 13) 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.
- 14) 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.

Public Open Space

- 15) 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 both subdivision lots and 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.
- 16) The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

Telecommunications and Electrical Reticulation

Electrical and telecommunications services must be provided to Lot 1 in accordance with the requirements of the responsible authority and to the satisfaction of Council's Manager Works and Services.

- 17) Prior to the work being carried out a drawing of the electrical reticulation and street lighting and telecommunications reticulation and in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Manager Works and Services.

Construction

- 18) The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Works and Services before commencing construction works on-site or within a council roadway.

Construction amenity

- 19) 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 |
- 20) 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.

- 21) 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.
- 22) 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.

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 permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. 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.
- D. The proposed works are located within The Bothwell Heritage Precinct. Separate planning approval is required for any works, or development, including vegetation removal.

Carried

For the Motion: Deputy Mayor Allwright, Mayor Triffitt, Cllr Bailey & Cllr Cassidy

6.1 DA2022/10: REPLACEMENT WINDOWS, FENCE AND WEATHERBOARDS, DEMOLITION OUTBUILDING & REPLACEMENT OUTBUILDING (SHIPPING CONTAINER) AND CONSTRUCTION OF COVERED AREA: 4 DENNISTOUN ROAD, BOTHWELL

Report by

Louisa Brown (Planning Officer)

Applicant

P J Rainbird

Owner

P J Rainbird

Discretions

16.4.2 Setbacks P2

E13.8.1 Demolition P1

E13.8.2 Building & Works other than Demolition P1, P2

Proposal

A Development Application has been submitted to Council for the following:

- Demolition of existing outbuilding & replacement with shipping container (20ft);
- Construction of covered area between existing shipping container (20ft) and proposed outbuilding (shipping container (20ft));
- Replacement of Boundary fence with aluminium picket fence;
- Replacement wooden windows of the dwelling with aluminium windows; and
- Replacement weatherboard cladding on the dwelling with colourbond.

The property currently is developed with an extended weatherboard cottage, outbuilding (wooden shed) and outbuilding (20ft shipping container).

It is proposed that the existing outbuilding (wooden shed) which is in a poor state of repair, be demolished and replaced with a 20ft shipping container. The proposed shipping container will be parallel to the existing shipping container on the property. It is also proposed as a part of this application that a covered area be constructed between the two outbuildings.

Alterations to the dwelling are proposed and include replacing the broken wooden windows with aluminium windows and the removal of the existing timber weatherboards and replacing with colourbond. It is noted that some of the existing timber boards are in a poor state of repair. The alterations are intended to insulate the house and stop drafts.

The existing steel mesh fence will also be replaced with an aluminium picket fence.

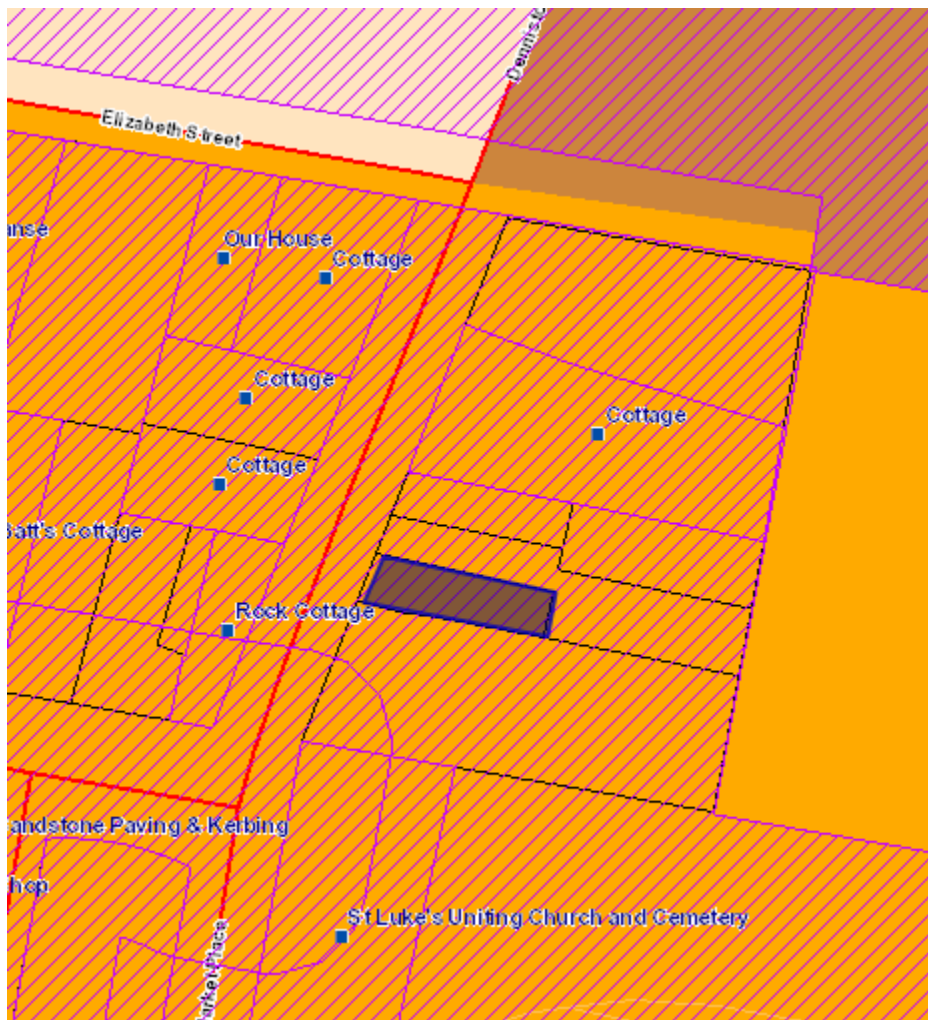
There are no easements on the property.

The proposal is discretionary owing to the side setback of the proposed replacement outbuilding being 1m from the side boundary. The property is also within the Bothwell Heritage Precinct, however the property is not on the Heritage Register.

The Development Application is assessed against the Development Standards for the Village Zone pursuant to section 16.0 of the Central Highlands Interim Planning Scheme 2015.

Subject site and Locality.

The property is located on Dennistoun Road, 50m from the Market Place and the junction with Alexander Street. The property is setback from the street frontage by 1m. Several Heritage Registered Properties are located on the street, as shown on the image below. Village Zone surrounds the property, with areas of Rural Resource and Significant Agriculture located on Dennistoun Road leading north out of the town.



Map 1_The subject property and surrounding properties on Dennistoun Road are in the Village Zone (orange). The Historic Heritage Code Overlay is shown as purple hatched area. The subject title is marked in blue line. Source: theLIST



Map 2 _ Aerial image of the subject property and surrounding area, with the approximate boundaries marked in blue. Source: theLIST



Image 1. The subject property – 4 Dennistoun Road, Bothwell

Exemptions

Nil

Special Provisions

Nil

Use standards

There are no applicable Use Standards.

Development standards for Buildings & Works

The subject site is in the Village Zone. The proposal must satisfy the requirements of the following relevant development standards of this zone:

16.0 Village Zone

16.1 Zone Purpose

16.1.1 Zone Purpose Statements

16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

16.1.1.2 To provide for residential and associated development in small communities.

16.1.1.3 To ensure development is accessible by walking and cycling.

16.1.1.4 To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services.

16.1.1.5 To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage.

16.1.1.6 To provide for the efficient utilisation of existing reticulated services in the serviced villages of Bothwell, Hamilton, Ouse, Gretna, Derwent Bridge, Ellendale, Tarraleah, Bronty Park, Waddamana and Wayatinah.

16.1.2 Local Area Objectives

Bothwell, Hamilton and Ouse

Retain and develop the commercial and community functions that service the local community. Residential infill is encouraged however limitations to services and infrastructure will determine the appropriate degree of intensification.

Implementation Strategy

Allow for appropriate use classes and implement use and development standards suitable to the area.

16.1.3 Desired Future Character Statements

- (a) To provide for use and development where the visual values of the historic streetscape and heritage values of buildings are protected.
- (b) To provide for economic opportunity through mixed uses, particularly the re-use of the heritage buildings.
- (c) Residential development is to be largely infill to ensure there is minimal impact on surrounding rural uses and to facilitate the efficient use of infrastructure.
- (d) Ensure commercial, retail and community developments and uses are located within the town centres.

Implementation Strategy

Use and development standards.

16.4 Development Standards for Buildings and Works

16.4.1 Building Height

To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on amenity of adjoining land.

Acceptable Solutions	Performance Criteria	Officer Comment
A1 Building height must be no more than: 8.5 m.	P1 Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; (iii) visual impact when viewed from adjoining lots, due to bulk and height; (c) not unreasonably overshadow adjacent public space; (d) allow for a transition in height between adjoining buildings, where appropriate; (e) be no more than 9.5 m.	The outbuilding meets the Acceptable Solution A1.

16.4.2 Setback

To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of adjoining land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building setback from frontage must be parallel to the frontage and must be: no less than 4.5 m	P1 Building setback from frontage must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;	The outbuilding meets the Acceptable Solution A1, setback to the frontage is 30m.

	(c) enhance the characteristics of the site, adjoining lots and the streetscape,	
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p> <p>(a) 2 m;</p> <p>(b) half the height of the wall, whichever is the greater.</p>	<p>P2</p> <p>Building setback from side and rear boundaries must satisfy all of the following:</p> <p>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p>(i) overlooking and loss of privacy;</p> <p>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing; taking into account aspect and slope.</p>	<p>Setback to the side boundary is 1m, therefore the application will be assessed against the Performance Criteria P2. The rear boundary setback is 2m, which complies with the Acceptable Solution A2.</p> <p>The setback of 1m to the side boundary, is the same as the existing outbuilding which will be demolished. The height of the proposed outbuilding (shipping container) will be less than the height of the existing wooden outbuilding. There is no sufficient unreasonable adverse impacts on adjoining lots, loss of privacy, overshadowing or visual impact from the street.</p>

16.4.6 Fencing

To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along side and rear boundaries must be no more than 2.1 m.</p>	<p>P1</p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of the area, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>	<p>The proposal meets Performance Criteria P1. The proposed aluminium picket fence will replace the existing metal mesh fence and will positively contribute to the streetscape and reinforce the heritage characteristics of the town. The fence will allow for a degree of transparency.</p> <p>The Fence is Conditioned below.</p>

Codes

Historic Heritage Code

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

In this case the proposed development is located within the Bothwell Heritage Precinct.

E13.0 Historic Heritage Code		
E13.8 Development Standards for Heritage Precincts		
E13.8.1 Demolition		
<p>Objective:</p> <p>To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.</p>		
Acceptable Solution	Performance Criteria	Comments
No Acceptable Solution.	<p>P1 Demolition must not result in the loss of any of the following:</p> <p>(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;</p> <p>(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct; unless all of the following apply;</p> <p>(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</p> <p>(ii) there are no prudent or feasible alternatives;</p> <p>(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.</p>	<p>Outbuilding - Performance Criteria P1 is met.</p> <p>The existing outbuilding is constructed from timber, is in a poor state of repair and is relatively modern. The demolition of the existing outbuilding will not have a detrimental impact on the heritage value of the street or the precinct.</p>

E.13.8.2 – Building and Works other than Demolition		
<p>To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.</p>		
Acceptable Solutions	Performance Criteria	Comments
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</p>	<p>Outbuilding - Performance Criteria P1 is met. The replaced outbuilding with the proposed 20 ft shipping container will be 30m set back from the street frontage. The container will be painted a uniform colour that is sympathetic to the precinct and</p>

		<p>to the satisfaction of the Council's Planning Officer, therefore no loss of heritage significance will result.</p> <p>The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 of the Bothwell Heritage Precinct. These are considered to be unsympathetic to the heritage significance of the streetscape and the character of the town. In particular the proposed colourbond cladding is not a finish which is consistent with the historical heritage values of the town.</p> <p>Therefore, the replacement of the windows and weatherboards is not approved as proposed. Condition 4 below states that a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager prior to any commencement of works.</p>
A2 No Acceptable Solution	P2 Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.	<p>Outbuilding - Performance Criteria P2 is met. The location of the outbuilding will not be visible from the street, views to historic buildings will not be interrupted and finishes will be sympathetic to the precinct.</p> <p>The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 of the Bothwell Heritage Precinct. The replacement of the windows and weatherboards is not approved as proposed. Condition 4 below states that a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager prior to any commencement of works.</p>
A3 No Acceptable Solution	P3 Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.	Not applicable.

A4 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.	P4 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.	Performance Criteria P4 is met, the replacement picket fence will be more sympathetic in design than the existing metal mesh fence. The fence is Conditioned below.
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Table E13.2 Heritage Precincts

Bothwell Heritage Precinct

Development must satisfy all of the following:

- (a) Respect the townscape qualities of the settlement through appropriate building form, design and finishes which are consistent with the historical heritage values of the town setting;
- (b) Ensure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;
- (c) Maintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;
- (d) Scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;
- (e) New buildings must not visually dominating neighbouring historic buildings; and
- (f) Where feasible, additions and new buildings must be confined to the rear of existing buildings.

The proposed replacement aluminium windows and weatherboards to the dwelling does not meet the requirements of development listed in Table 13.2 (a), (b), (c) and (d) of the Bothwell Heritage Precinct. These are considered to be unsympathetic to the heritage significance of the streetscape and the character of the town. In particular the proposed colourbond cladding is not a finish which is consistent with the historical heritage values of the town. Therefore, the replacement of the windows and weatherboards is not approved as proposed.

Representations

The proposal was advertised for the statutory 14 days period, from 3rd March 2022 to 18 March 2022, during which time one (1) representation was received.

Representation 1	Council Officer Comment
My objection to this application is in the use of Colourbond Cladding replacing the original weatherboards and aluminium windows replacing the timber sash windows. I am concerned that the proposed alterations to this property will permanently and negatively alter the historic building's character and style. Given the fact that it is surrounded by heritage listed buildings in the immediate vicinity (1-3, 5, 7, 8-10 Dennistoun Road),	<i>All properties on this section of Dennistoun Road are within the Heritage Precinct, number 4 Dennistoun Road is not on the Heritage Register. Council notes that there are 5 Heritage listed properties within the street that are on the Heritage Register.</i> <i>Table E13.2 Bothwell Heritage precinct provides development standards for development in the precinct. Section (b) of the standards seeks that additions and adaptations to existing dwellings in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town. It is</i>

<p>this would potentially devalue the heritage values of these listed buildings and the historic streetscape.</p> <p>Surely it is in Council's interest to see these charming old buildings faithfully restored and cared for, particularly the street frontages.</p> <p>Unfortunately, these objections probably do not relate back to any planning codes the council currently has in relation to non-heritage buildings – perhaps if this is the case we need to consider changes to the planning rules before the charm and character of this historic village is further degraded.</p>	<p><i>noted that a dwelling at 12 Dennistoun Road has colourbond as cladding to one elevation, which is uniform in colour to the dwelling.</i></p> <p><i>It is the responsibility of the property owner to maintain and repair their properties within their financial means. Colourbond cladding and aluminium windows are an affordable option for renovation.</i></p> <p><i>However, the replacement of the windows and weatherboards is not approved as proposed. Proposed Condition 4 below states that prior to commencement of works a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager. The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.</i></p>
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Conclusion

The proposal for the following at 4 Dennistoun Road;

- Demolition of existing outbuilding & replacement with shipping container (20ft);
- Construction of covered area between existing shipping container (20ft) and proposed outbuilding (shipping container (20ft));
- Replacement of Boundary fence with aluminium picket fence;
- Replacement wooden windows to dwelling with aluminium windows; and
- Replacement weatherboards to dwelling with colourbond;

The proposal has been assessed to comply with the applicable standards of the Village Zone and the relevant codes of the *Central Highlands interim Planning Scheme 2015* as outlined in the body of this report. However, the replacement of the windows and weatherboards is not approved as proposed.

The proposal was advertised for public comment, during which time one (1) representation was received. This representation was concerned that the replacement of the wooden windows with aluminium windows and replacing the weatherboards with Colourbond, could negatively alter the historic building's character and style and that these changes could also affect the Historic Character of the town. Having considered this concern together with the requirements of the Historic Heritage Code, the replacement of the windows and weatherboards is not approved as proposed. Proposed Condition 4 below states that prior to commencement of works a report prepared by a suitably qualified person with heritage expertise, must be submitted to the satisfaction of Council's General Manager. The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.

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 DA2022/10 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.

This determination has to be made no later than 22 April 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

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 DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell 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 DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, 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 DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, 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 DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, 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

Moved **Clr Cassidy**

Seconded **Clr Bailey**

THAT the following recommendation be made to Council:

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 DA2022/10: Replacement Windows, Fence and Weatherboards, Demolition Outbuilding & Replacement Outbuilding (shipping container) and construction of covered area: 4 Dennistoun Road, Bothwell, subject to conditions as specified below.

Recommended Conditions

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval the endorsed drawings (except where modified by conditions below), 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 letter or the date of the last letter to any representor, whichever is later, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

Heritage

- 3) The replacement of the windows and weatherboards is not approved as proposed. Prior to commencement of works to the dwelling a report must be submitted to the satisfaction of Council's General Manager and will form part of this Permit once approved.
- 4) The report must explore all feasible alternative building materials and make a recommendation, taking into account the heritage significance of the streetscapes and landscapes of the town and the requirements of the Bothwell Heritage Precinct.

Approved Use

- 5) The outbuilding is approved as ancillary to the Residential use only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Front Fence

- 6) Front fences must comply with all of the following:
 - (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;
 - (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;
 - (c) fences and gates must be sympathetic in design, (including height, form, scale and materials) to the style, period and characteristics of the precinct.

Amenity

- 7) The external metal building surfaces of the outbuilding (shipping container) and covered area must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's Planning Officer.

Services

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

Stormwater

- 9) Drainage from the proposed development must be retained on site or drain to a legal discharge point to the satisfaction of Council's Manager Development & Environmental Services and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Construction Amenity

- 10) 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.
- 11) 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:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.

- e. 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.
- 12) 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.
- 13) The developer must make good and/or clean any footpath, 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:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: Director's Determination - Categories of Building and Demolition Work (PDF, 504.4 KB) or for Low Risk Building Work information go to: Consumer Guide to Low Risk Building and Plumbing Work.
- C. 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.
- D. 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: Deputy Mayor Allwright, Mayor Triffitt, Cllr Bailey & Cllr Cassidy

Mr G Rogers left the meeting at 10.15am
Ms P Rainbird left the meeting at 10.15am
Mr G Rogers returned to the meeting at 10.20am

6.2 DA2022/01: VISITOR ACCOMMODATION (3 UNITS): 1 CRAMPS BAY ESPLANADE, CRAMPS BAY

Report by

Jacqui Tyson (Senior Planning Officer)

Applicant

CBM Sustainable Design Pty Ltd

Owner

Simco (Tas) Pty Ltd

Discretions

Low Density Residential Zone – 12.3.2 Visitor accommodation

Proposal

The proposal is for development of three (3) Visitor accommodation units on a vacant property in Cramps Bay.

The land is located on the south eastern side of the intersection between Cramps Bay Road and Cramps Bay Esplanade and has frontage to both roads.

Under the proposal the land will be developed as follows:

- Construction of three (3) identical Visitor accommodation units, each containing 2 bedrooms, 2 bathrooms and open plan kitchen, dining and living space with a deck on the western elevation and solar panels on the roof;
- A new, gravel shared vehicle access driveway from Cramps Bay Road and two (2) parking spaces for each unit;
- A 19m² storage shed; and
- A wastewater treatment system.

The Visitor accommodation will have a maximum occupancy of twelve (12) guests at any time.

A new access driveway will be constructed from Cramps Bay Road to serve the development. The driveway and parking areas will be finished in local gravel, similar to roads in the area. The access will be required to be constructed to Council standard.

The proposed wastewater system has been designed by a suitably qualified agent. The system includes onsite greywater treatment in a septic tank and then disposal by onsite irrigation. Due to the challenging terrain, black water (sewerage) will be pumped to a single containment tank which will then be pumped out by a contractor on a regular basis. The tank is designed to have capacity for 1 month in peak occupancy. Each unit will also have a fresh water tank for water supply.

Use for Visitor accommodation has a Permitted use status in the Low Density Residential Zone. In this case the proposal is Discretionary due to reliance on Performance Criteria, including for Clause 12.3.2 - Visitor accommodation.

Subject site and Locality.

The subject site is described in Certificate of Title 134169 Folio 13. The title has an area of 3100m² and is currently vacant. The title is largely vegetated with highland dry eucalyptus forest.

The property is located at the intersection of Cramps Bay Road and Cramps Bay Esplanade, around 600m west of Poatina Road. Cramps Bay is a small settlement on the eastern shore of Great Lake. Most properties in the area are used for permanent or shack residential purposes.

Land around the lake foreshore is owned and managed by Hydro Tasmania. Land around the residential properties of the Cramps Bay settlement is largely Crown land managed by the Parks and Wildlife Service. Cramps Bay is just outside the Tasmanian Wilderness World Heritage Area, with the boundary on the eastern side of Poatina Road, less than 1km from the site.

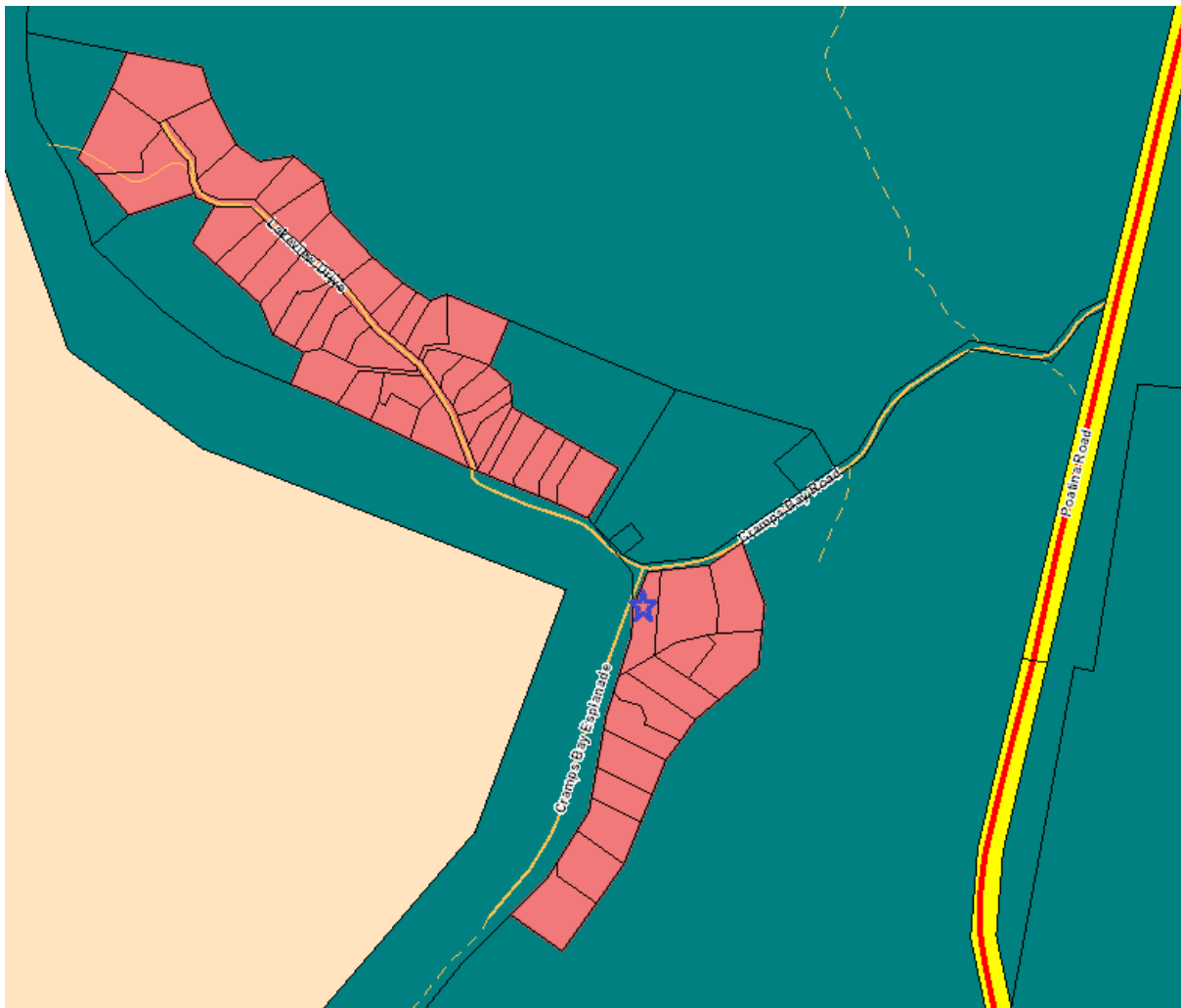


Fig 1. Location and zoning of the subject land (marked with a blue star) in the Low Density Residential Zone (pink). Surrounding land includes Great Lake in the Rural Resource Zone (cream), Environmental Management Zone (green) and Utilities Zone (yellow). (Source: LISTmap)

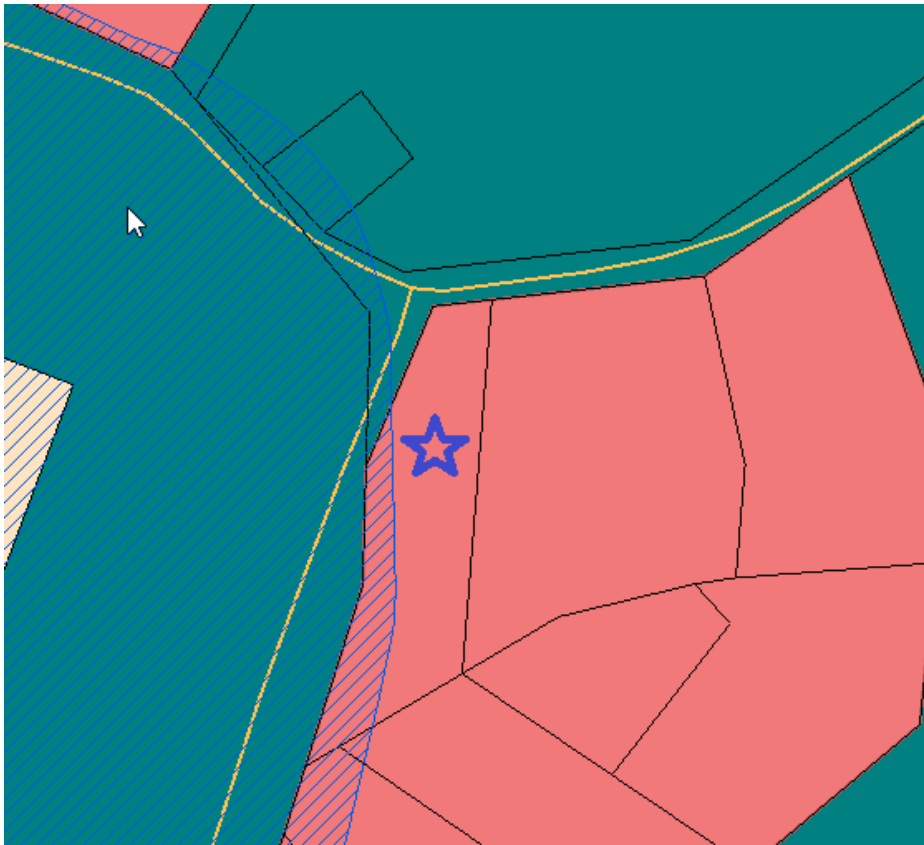


Fig 2. The subject land (marked with a blue star) is partly covered by a Waterway Protection Area due to the proximity to Great Lake (Source: LISTmap)



Fig 3. Aerial photo of the subject land and surrounding area (Source: LISTmap)

Exemptions

Nil

Special Provisions

Nil

Low Density Residential Zone - Development standards

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

12.3.1 Non-Residential Development		
To ensure that non-residential use does not unreasonably impact residential amenity.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Hours of operation must be within: (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12.00 noon Saturdays; (c) nil Sundays and Public Holidays; except for office and administrative tasks or visitor accommodation.	P1 Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	The proposal is for Visitor accommodation, which complies with A1.
A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAm _{ax}) at any time.	P2 Noise emissions measured at the boundary of the site must not cause environmental harm.	Noise emissions from the Visitor accommodation are expected to comply with A2.
A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting;	P3 External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:	Any external lighting will be suitably sited and baffled to avoid impacting adjoining properties. A condition addressing this matter is recommended.

(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	(a) level of illumination and duration of lighting; (b) distance to habitable rooms in an adjacent dwelling.	
A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.	P4 Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following: (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements; (c) the size of commercial vehicles involved; (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise); (e) noise reducing structures between vehicle movement areas and dwellings; (f) the level of traffic on the road; (g) the potential for conflicts with other traffic.	No commercial vehicle movements will be required for the proposed use.

12.3.2 Visitor accommodation

To ensure visitor accommodation is of a scale that accords with the residential character and use of the area.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;	P1 Visitor accommodation must satisfy all of the following: (a) not adversely impact residential amenity and privacy of adjoining properties; (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;	The proposed Visitor accommodation is not accommodated in existing buildings and has a total floor area in excess of 160m ² , therefore assessment against the Performance Criterion P1 is required. (a) The proposed Visitor accommodation is not expected to adversely impact residential amenity and privacy.

<p>(c) has a floor area of no more than 160m².</p>	<p>(c) be of an intensity that respects the character of use of the area;</p> <p>(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.</p>	<p>The units are oriented toward Great Lake and will not directly overlook any adjoining property. The smallest separation between a unit and adjoining dwelling is 27m, with vegetation adding additional visual separation. Properties to the east are at a higher elevation, looking over the site towards the lake.</p> <p>While of a modern architectural design, the overall size and elevation of the units (single storey, modest floor plans) is similar to the established character of development in the area. The units are designed with colours fit within the environment and will be largely recessive when viewed from the lake and surrounding areas.</p> <p>While some vegetation will be lost to allow for the development, this is will be minimised as much as possible and is consistent with other properties in the area.</p> <p>(b) The proposed layout provides for parking and access that complies with the Parking and Access Code, as assessed in the Code section below.</p> <p>(c) While this development is unusual for the immediate area, it is not considered to be of an inappropriate intensity. The proposal is for 3 accommodation units each with 2 bedrooms, across a 3100m² site and with site coverage of less than 15%. The maximum occupation is 12 people – which wouldn't be unusual in a private shack used by extended family or the like. Visitor accommodation rarely operates at full capacity in any case. Overall it is considered that the proposal is appropriate for the site and surrounds.</p> <p>(d) The amount of traffic to be generated by the proposal is well within the capacity of the road network and is not expected to impact the safety or efficiency of the roads.</p>
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		<p>Access to the site is to be provided from Cramps Bay Road in a suitable location with sufficient sight distances for the low speed environment.</p> <p>The title is subject to a 5m wide right of way along the southern boundary which provides access to an adjoining property from Cramps Bay Esplanade. The proposed Visitor accommodation and associated infrastructure has been sited to avoid impacting on this right of way. The accommodation will use an alternative access from Cramps Bay Road so use of the right of way is not impacted at all.</p>
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12.4.1 Non-dwelling development

To ensure that all non-dwelling development is sympathetic to the form and scale of residential development and does not significantly affect the amenity of nearby residential properties.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Non-dwelling development must comply with the following acceptable solutions as if it were a dwelling:</p> <p>(a) 12.4.2 A1 and A3; (b) 12.4.3 A1 (a) and (b); (c) 12.4.7 A1.</p> <p>For ease of reference these clauses are reproduced below:</p>	<p>P1</p> <p>Non-dwelling development must comply with the related performance criteria as if it were a dwelling.</p> <p>For ease of reference these clauses are reproduced below:</p>	<p>The proposal is for Visitor accommodation, which is non-dwelling development. The Acceptable Solution requires assessment against the same clauses relevant to a dwelling, as listed in A1. The relevant clauses are reproduced in full below for ease of reference.</p> <p>(a) 12.4.2 Setbacks A1 The units and shed are setback more than 4.5m from the primary frontage (Cramps Bay Road) and more than 3m from the secondary frontage (Cramps Bay Esplanade) in compliance with 12.4.2 A1.</p> <p>A3 The units and shed are located within the relevant building envelope in compliance with A3.</p> <p>(b) 12.4.3 A1 The site coverage is less than 15% and more than 25% of the site will be free of impervious surfaces, complying with 12.4.3 A1 (a) and (b).</p> <p>(c) 12.4.7 A1</p>

		<p>The proposal does not include any frontage fences so this clause is not relevant to the assessment.</p> <p>Overall, the proposal complies with the requirements of 12.4.1 A1.</p>
<p>12.4.2 Setbacks A1</p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.</p>	<p>12.4.2 P1</p> <p>A dwelling must:</p> <p>(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and</p> <p>(b) have regard to streetscape qualities or assist the integration of new development into the streetscape.</p>	
<p>12.4.2 Setbacks A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by:</p>	<p>12.4.2 P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause unreasonable loss of amenity by:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</p>	

<p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</p> <p>(iii) overshadowing of an adjoining vacant lot; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</p> <p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>	
<p>12.4.3 Site coverage and private open space A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 25% (excluding eaves up to 0.6m); and</p> <p>(b) a site area of which at least 25% of the site area is free from impervious surfaces;</p>	<p>12.4.3 P1</p> <p>Dwellings must have:</p> <p>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p>(i) outdoor recreational space consistent with the projected requirements of the occupants; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(b) have reasonable space for the planting of gardens and landscaping.</p> <p>(c) not be out of character with the pattern of development in the surrounding area; and</p> <p>(d) not result in an unreasonable loss of natural or landscape values.</p>	

12.4.7 Frontage fences A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.5 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	12.4.7 P1 A fence (including a free-standing wall) within 4.5 m of a frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.	
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Codes

E5.0 Road and Railway Assets Code:

This Code applies to use and development that involves changes to access arrangements.

The proposal includes construction of a new access from Cramps Bay Road.

The applicable standards are addressed below.

E5.6.2 Road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	The proposal includes once access point for the Visitor accommodation providing both entry and exit. This complies with the Acceptable Solution.

E5.6.4 Sight distance at accesses, junctions and level crossings

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.	The site is a low speed environment, being a gravel road and close to the intersection of Cramps Bay Road and Cramps Bay Esplanade. The Safe Intersection Sight Distance shown in Table E5.1 for this area is 80m. The sight distance is estimated to be 60m to the east along Cramps Bay Road and 30-40m to the intersection of Cramps Bay Road and Cramps Bay Esplanade. Given the low traffic and low speed environment, this is considered to be in accordance with Performance Criteria P1.

E6.0 Parking and Access Code

This Code applies to all use and development.

Table E6.1 of the Code requires parking at the following rate for Visitor accommodation use:

1 space for each unit and 1 space for a manager's dwelling

In this case the proposal includes two (2) dedicated spaces for each accommodation unit, which exceeds the requirement.

The proposed design of the vehicle access road appears to comply with the development standards of the Code.

It is noted that the site is considered to be bushfire prone and as such a bushfire management plan will be required for the development as part of the Building permit process. The access will need to be designed in accordance with the requirements for building in bushfire prone areas.

A condition is included in the recommendation to require the final design of the access and parking areas to be provided and approved prior to the development commencing.

E11.0 Waterway and Coastal Protection Code

The site is partly within a Waterway Protection Area overlay due to the proximity to Great Lake.

The applicable standards are addressed below.

E11.7.1 Buildings and Works To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT

<p>A1</p> <p>Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>	<p>P1</p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <p>(a) avoid or mitigate impact on natural values;</p> <p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p> <p>(c) avoid or mitigate impacts on riparian or littoral vegetation;</p> <p>(d) maintain natural streambank and streambed condition, (where it exists);</p> <p>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(f) avoid significantly impeding natural flow and drainage;</p> <p>(g) maintain fish passage (where applicable);</p> <p>(h) avoid landfilling of wetlands;</p> <p>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</p>	<p>The title does not contain a building area as referred to in A1, so assessment against the Performance Criteria P1 is required.</p> <p>The development is located near and uphill from Great Lake and is separated from the lake edge by a road.</p> <p>There are no protected species or communities identified on the site. The applicant has indicated that vegetation removal will be limited to the minimum required for construction and bushfire management purposes.</p> <p>The wastewater system design, with black water to be contained and pumped for disposal offsite, greatly reduces potential risk of pollutants to enter Great Lake.</p> <p>The greywater system has been designed with consideration of the environment including proximity to the lake, with very low application rates.</p> <p>It is also noted that the wastewater design report has is considered satisfactory by Council's Environmental Health Officer and plumbing approval will be required from Council prior to construction, which will be conditioned appropriately.</p> <p>The proposal will have no impact on riparian vegetation or directly on a waterway or wetland.</p> <p>Overall the proposal is considered to be in accordance with Performance Criteria P1.</p>
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Representations

The proposal was advertised for the statutory 14 days period from 3rd March 2022 until 18 March 2022.

A total of eleven (11) representations were received. Two (2) of the representations were received outside the 14 day time period, however they have been considered.

The issues raised in the representations are presented in the table below.

Representation 1	
Issues	Officer comments

<p>Friends of Great Lake (FOGL) would like to make a representation objecting to the Development</p> <p>Application relating to 1 Cramps Bay Esplanade, Cramps Bay.</p> <p>Our organisation was formed to act on behalf of land users of the yingina/Great Lake area and our core focus is to preserve and protect the current and traditional use and culture of the Lake and surrounding environment.</p> <p>Cramps Bay is a small and quiet grouping of mainly shacks and several permanent residents, many of whom have raised concerns with us regarding this Development Application.</p> <p>The main concern is the potential impact on the location in its current state of use. The visitor accommodation will likely be heavily used and with 3 separate dwellings will also significantly increase traffic and noise in the area.</p> <p>The proposed dwellings are not separate residences being built independently of one another, they are being established as a group to be utilised as short-term accommodation (likely Airbnb type) which is in direct conflict with the current usage of this area, where quiet and peace is respected and enjoyed by permanent residents and shack owners alike.</p> <p>Such a disproportionately large development cannot be of an intensity to respect the character of the use of the area which is the requirement under Performance Criteria 1 c) as per the Central Highlands Interim Planning Scheme, and we respectfully ask Council to carefully consider the negative impact this will have on the privacy and quiet enjoyment of existing land owners.</p>	<p><i>It is recognised that the proposed Visitor accommodation is a different type of development than currently exists in Cramps Bay.</i></p> <p><i>However it must be appreciated that Visitor accommodation is a Permitted (as of right) use class in the Low Density Residential Zone, indicating that development of this type is to be expected.</i></p> <p><i>The proposal is for 3 Visitor accommodation units on a title that is 3100m² in area, which is still quite a low density at over 1000m² per unit.</i></p> <p><i>Traffic to the development is expected to be higher than for a typical single occupancy shack. However, even at peak occupancy if each unit were to be occupied by two couples with their own cars that would be 6 cars per day entering and leaving, or 12 traffic movements. Allowing for a second trip to sight see or for a meal would still only create 24 traffic movements each day. This is well within the capacity of the road. It is also noted that given the location of the site on Cramps Bay Road, traffic to the site will only pass two (2) residential properties before reaching the driveway.</i></p> <p><i>The design of the Visitor accommodation units with two bedrooms each (total of 6 bedrooms) will tend to cater to couples and small family/friend groups rather than larger groups or parties that can cause noise disturbances in some areas. Visitors will generally be seeking a similar experience to the locals – quite, secluded and enjoying the natural environment of the area.</i></p>
<p>Three new dwellings are being proposed (as opposed to a single, existing residence simply undergoing a change of use to visitor accommodation) and this leads to immense concern over the future of Cramps Bay and potential further arbitrary disposal of Crown Land to more developers.</p> <p>Once this type of development is approved, it naturally sets a precedent for future changes to the existing residential amenity and privacy enjoyed by current rate payers.</p> <p>There is still much Crown Land in the yingina/Great Lake area and it has been made clear following previous processes that no more freehold blocks would be sold around the lake, however as the Minister may dispose of the land at his discretion under the Crown Lands Act 1976, there is nothing to prevent more and more blocks being sold for commercial development.</p>	<p><i>Crown land disposal is not a matter for Council to address, though it is noted that Crown land disposals must go through a public advertising process.</i></p> <p><i>In this case the subject property has been in private ownership for fifteen years, since 2007. The title was created at the same time as the rest of the properties in Cramps Bay and has always had potential for development as it was not set aside for public open space or other reserve.</i></p> <p><i>Development Applications are each examined and assessed on their own merits under the planning scheme rules that apply. Precedent is not generally a relevant consideration. The owners of the subject property are also ratepayers.</i></p>

<p>Once one Development Application is approved under these circumstances, the flood gates have been opened so to speak, and there will be little room to prevent the future development and commercialism of one of the last truly unique shack communities in Tasmania.</p> <p>We respectfully submit that this Development Application does not align with the current residential amenity of adjoining properties and is not of an intensity that respects the character of the area and request that approval of Development Application DA 2022 / 00001 be denied.</p>	
Representation 2	
Issues	Officer comments
<p>As a shack owner at Cramps Bay I'm writing to advise you of my concerns and that I'm definitely against the above development application.</p> <p>When we purchased our shack we were told there was to be no more new blocks to be built on. The land for this proposed development is supposed to be a reserve and to left untouched. Why has this changed?</p>	<p><i>As mentioned above, the title for this property was created at the same time as those for other properties in the area and it was not designated as a reserve.</i></p> <p><i>The property has been in private ownership since 2007 and has been in a residential type zoning at least since the previous planning scheme.</i></p> <p><i>Under the Central Highlands Planning Scheme 1998 the lot was zoned Holiday Residential. In this zone Visitor accommodation was Permitted for 1 unit or Discretionary for more.</i></p> <p><i>Therefore, the land has been in a zone that allows for Visitor accommodation for more than 20 years.</i></p>
<p>Mr Steven Simeoni has admitted that the visitors units will be a source of income for him and his family. This is of great concern to many of the residents of Cramps Bay.</p> <p>Is Mr Simeoni to be registered as a business with ABN and all the necessary safety requirements?</p> <p>Is the area zoned for such a business?</p> <p>This opens up so many concerns than just a private shack/dwelling being constructed!!</p> <p>I hope the Bothwell Council takes on board all these concerns from all the residents at Cramps Bay and understands the impact they will have.</p>	<p><i>Visitor accommodation is generally a commercial enterprise.</i></p> <p><i>The registering of a business is not a planning matter.</i></p> <p><i>Visitor accommodation will require approval under the Building Act 2016 which covers safety matters under the National Construction Code such as exits, fire alarms and bushfire management.</i></p> <p><i>The land is in the Low Density Residential Zone. Visitor accommodation is a Permitted (as of right) use class in this zone. As commented above, the land was previously zoned Holiday Residential which also allowed for Visitor accommodation.</i></p>
Representation 3	
Issues	Officer comments
<p>Letter dated 2nd March received 9th March reply to be returned 18th March 2022 we feel Council should look at the policy on how much notice should be given to Shack owners 9 days to reply isn't much time to view plans get advice and submit.</p>	<p><i>Council give notice of Development Applications in 3 ways as required by legislations:</i></p> <ul style="list-style-type: none"> <i>• direct mail to adjoining land owners (and often nearby land owners as well)</i> <i>• Site notice on the land</i> <i>• Notice in the relevant newspaper.</i>

	<i>Council also chooses to give notice of Development Applications and give electronic access to plans on the Council website, which is above and beyond the legislated requirements.</i>
<p>Year 2000 Shack owners were requested to distribute to the infrastructure of the roads & sewerage in the Cramps Bay area costing thousands of dollars.</p> <p>Meeting shack owners were advised that 1 shack had to be removed a property offered and there would be no more developments in the area, If he has sold his allotted property why is assisting 1 still there, the 1 in question was told to remove his shack about 20 odd years ago yet it is still standing also used at times & houses a caravan on the property. WHAT HAS CHANGED</p> <p>We were told that no trees were to be taken out. Our property must be a specific colour with no extensions, no other caravan or cabin could be housed on property.</p>	<p><i>Cramps Bay was subject to the shack sites project.</i></p> <p><i>As discussed above, this site has been zoned in a way that allows for a Visitor accommodation project since at least 1998.</i></p>
<p>Simco Tas Pty Mr Steven Simeoni openly commented on social media he brought this land of his friend his fishing mate and intends to rent unit to assist him in retirement isn't this a commercial driven venture ultimately to retreat an income to support retirement , commented he had been part of the community for 40 years yet most of us have no idea who he is, and wouldn't name his other fishing buddies he claims supports him, if he has been in the community this long surely, he will understand why shack owners are against this project.</p>	<i>This is not a planning matter.</i>
<p>Concerns:</p> <ul style="list-style-type: none"> • Fire break can there be 1 there that won't allow unlawful access to other property • sewage will this affect other properties • grey water will it be disposed of properly 	<p><i>Bushfire management will be addressed at the building permit stage as required by the Building Act 2016. The Bushfire Prone Areas Code does not apply to Visitor accommodation at planning stage.</i></p> <p><i>However, the applicant has advised that there will be no reliance on adjoining land for bushfire management.</i></p> <p><i>Wastewater management is addressed in the design report submitted with the application. This will be subject to further assessment and conditioning in the building/plumbing assessment stage.</i></p>
<p>Will the roads accommodate the extra heavy trucks & machinery.</p> <p>Will shack owners be able to proceed to their property without being held up.</p>	<p><i>I assume these questions apply to the construction stage.</i></p> <p><i>Cramps Bay road is a public road and there is nothing to indicate it would not be able to accommodate traffic during construction.</i></p> <p><i>Construction of the new access will require some traffic management on Cramps Bay Road however this is unlikely to require road closure and should not take a long time to complete.</i></p>
<p>Rates & taxes will these increase with a higher price property in the area</p> <p>Insurances will they increase</p>	<p><i>Rates are calculated based on individual property values, so this development should not impact other rate payers.</i></p>

	<i>Taxes and insurances are not a matter for Council to consider, however there is no reason to believe they would rise as a result of this development.</i>
Rubbish will this become a problem with renters or will it just be left laying around.	<i>Visitor accommodation facilities generally have cleaners or the like that will remove rubbish between guests.</i>
If snowed in who will be responsible cost wise for rescues to tourists etc., as you will be aware many don't know what the conditions can get like in the highlands.	<i>This is not a planning matter.</i> <i>This would be no different than for any other resident or visitor to Central Highlands.</i>
Looking around the central highlands area there is plenty of positions for the more modern design of development Swan- bay, Dollarmite drive or Wilburville to just to name a few, that the modern design would not look out of place.	<i>Council must consider the application before it.</i>
If this development is approved, then there will no doubt there will be other investor's looking to make the almighty dollar as soon this piece of paradise will become a development opportunity. Will every shack owner be able to lodge applications & be approved to build extra accommodation on their property to rent to assist them in their retirement?	<i>Most properties in the Central Highlands could make application to build Visitor accommodation if they have enough space to accommodate it.</i>
And the biggest question will the Council be reimbursing all shack owners their infrastructure money as opening this to development should not have to be the responsibility of the shack owners to have funded council for sewage & roads. We owned our shack & was requested to pay for infrastructure with the understanding our piece of paradise would not be a development area what has changed for the proposal to be submitted.	<i>This is not a planning matter relevant to this assessment.</i>
Representation 4	
Issues	Officer comments
I wish to put in my concerns in relation to this development application, my husband and I own a shack at Cramps Bay and have done for 3 years, but my extended family have lived and frequently visited this remote, beautiful and quiet part of the world since the 70's. This area has been a small community for many years, its occupants are people who love their fishing, their hunting, their bushwalking and love the natural wilderness, the quiet, the serenity and remoteness of Cramps Bay. Many of the shack owners come to their site every 2-3 weeks, summer and winter and we are all look out for each other but are very respectful of people's space up here as we understand many of the occupants are here for rest and relaxation and to get away from the hustle and bustle of normal life.	<i>The proposed development is sited and designed to avoid impacting the privacy of adjoining properties. The Visitor accommodation units are oriented towards Great Lake and away from surrounding dwellings. The nearest adjoining dwelling is around 27m away, with vegetation providing some buffer between the properties.</i> <i>With regard to noise, there is no reason to expect significantly more noise from this site than others in the area. As discussed above, the accommodation is likely to cater to couples and small groups rather than large noisy gatherings.</i> <i>Traffic generation will be relatively small and well within the capacity of the road and is not a significant increase to current levels.</i>

<p>I am extremely concerned that the amenities of all the shack owners within this area will be affected, in relation to our privacy, the noise, the increased traffic and rubbish/waste that will come from this site, specifically due to the construction of three visitor accommodation sites.</p>	<p><i>Rubbish will be managed in the usual way for any property.</i></p>
<p>I note that there has been a risk management of site and soil constraints, and that it is quite detailed regarding 'no go' areas and what occupants should do if a situation occurs. As this development is for short term accommodation and will not be occupied by the owner. Who will be responsible for the maintenance of this site?</p> <p>How do the shack owners within this area, who will be the ones that identify any problems get in touch with the responsible person regarding problems with maintenance and amenities of this site. As a shack owner, I can attest to the need for the regular ongoing maintenance of our property due to the remote location and harsh climate. I would be expecting that Council would require an approved Visitor management plan providing details as to who is the responsible person should any problems arise, when and how short term accommodation occupants are notified of the requirements to comply with any restrictions or rules that may pertain to this site, and a list of the rules and requirements of the site and contact details of the responsible person, including alternative persons should responsible person not be available, to be supplied to all shack owners within this area.</p> <p>As a compliance officer, I have a clear understanding of the frustrations that short term accommodation have caused many neighbours and how hard it is to police, many of these problems occur at night and with the very limited police within this area and Council either closed or with no resources to gather evidence and enforce planning requirements.</p>	<p><i>The owner will ultimately be responsible for maintenance and management of the site.</i></p> <p><i>Any issues arising can be reported to Council in the usual manner for attention.</i></p>
<p>I am also concerned how this site, which will be absolutely filled to capacity with three new buildings, (obviously being used to make money for the owner), the required parking, wastewater disposals and landscaped areas for spray irrigation. It is not in keeping with this area with the majority of shacks albeit some that are better maintained than others but each have one shack and a couple of sheds on the title.</p>	<p><i>The development is relatively low density, with more than 1000m² per unit and less than 15%.</i></p> <p><i>Many properties in the area are almost entirely cleared of vegetation to allow for the same requirements as this development – buildings, parking, wastewater systems and bushfire safety.</i></p>
<p>The access roads to Cramps Bay run adjacent to this property on two sides and the Great Lake is just over the road, as there will obviously be intense excavation and soil disturbance (as the site is mainly rocks), it raises great concerns on the amount of heavy machinery that will need to get onto the site using the access road into Cramps Bay and the right of way onto the site. How will the road into Cramps Bay be protected from any damage caused by heavy machinery</p>	<p><i>Certainly some site works will be required to construct the units and access driveways.</i></p> <p><i>As indicated in the elevation drawings, the buildings are largely positioned above the natural ground level to limit excavation works.</i></p> <p><i>A Soil and Water Management Plan will be required by condition.</i></p>

<p>and if damaged during construction, who will be responsible and how will that be enforced? How will you ensure that all excavation works and building debris remain within the site, I would expect at a minimum that a detailed Soil and Water Management Plan would be required. What measures do you have in place to enforce and make sure they remain compliant within this very sensitive Waterway and Coastal Protection area. There is also a watercourse that runs beside this property and excavation and building debris will easily be picked up and dumped directly into the Great Lake.</p>	
<p>The winters up here are beautiful, but long and harsh, most of the shacks owners here understand to need to close off their pipes from their tanks to the shack at night to stop water freezing in the pipes, causing damage with the expansion of frozen water, our pipes are insulated and continually have to be maintained and we just know it is part of a winter up here, the application documentation provided also talks of spray irrigation to landscaped areas using wobbler sprinklers, the majority of the winter up here will mean that the spray irrigation will be frozen and wobbler sprinklers will be unable to function efficiently or effectively.</p> <p>The plans show a total of 456m² as waste water areas at each end of the site to which the Greywater is to be irrigated to after treatment and yet the geological evaluation shows the site is located on Mesozoic aged rock consisting of Tasmanian Dolorite and not being suitable for absorption, so where will that run-off go?</p> <p>The wastewater areas and any potential run-off are both very close to the boundaries of the site, one close to the access road into Cramps Bay and the other adjacent to the boundary of Cramps Bay Esplanade and the right of way used as access by several properties on Cramps Bay Esplanade, what measures will be put in place to protect those areas from potential run-off due to non-absorption or incapacitated irrigation systems?</p> <p>I also note the documentation specifies that this is a mains powered site, there is no power up here, we are off the grid in Cramps Bay. Most of the shacks have solar panels and battery systems in place, some have the additional wind turbines for backup during winter as the sun is extremely limited through the winter months. Our hot water and cooking is gas or wood fire.</p> <p>I also note in the applications documentation, that it is recommended for optimal performance of the system to reduce sludge build up in the irrigation system:</p> <ul style="list-style-type: none"> · Scrape all dishes to remove fats, grease etc prior to washing 	<p><i>The wastewater system has been designed by an accredited person specifically taking account of the limitations of the site including soils and climate variables and in accordance with the relevant Australian Standards.</i></p> <p><i>Council's EHO has considered and accepted the report.</i></p> <p><i>Further assessment will be undertaken at the building/plumbing stage and appropriate conditions put in place for things such as maintenance and ongoing evaluation of the operation of the system.</i></p>

<ul style="list-style-type: none"> · Keep all possible solids out of the system · Do not use rubbish grinder or place hygiene products into the system · Use bio-degradable soaps and low phosphorous detergents and only use recommended quantities · Do not pour paint/oil or other chemicals into the system · Install water saving fixtures · De-sludge tank every 3 to 5 years or when sludge exceeds two thirds of tank volume · Clean outlet filter · Inspection of system by accredited plumber regularly <p>Can totally understand the benefits of using the recommendations for optimal performance of the irrigation system and as an owner/occupier would definitely be using those recommendations but the reality is that this is not a property being used by an owner/occupier, it will be used by transient people who would not care less about the recommendations for optimal performance of the irrigation system, which makes the inefficient use of this system less effective and a much higher risk to this sensitive environment.</p>	
<p>This site is also within a Coastal protection Zone, so the safeguard of all flora and fauna within this area should be carefully considered throughout this application.</p>	<p><i>The proposal is assessed against the Waterway and Coastal Protection Code in this report.</i></p>
<p>I also would also like to make comment and understand that this information will probably not be considered as it is not part of this application, but the developer who is the owner of the current property you are assessing has also just bought another property in Lake View Drive Cramps Bay, apparently to accommodate his workers who will be onsite during the construction of this development. I certainly hope that approval of this site will not set a precedence, in this area and leave the owners of shacks in Cramps Bay dealing with another application to come to demolish the existing shack on site and fill with more short term accommodation, to the detriment of this small and unprotected community. Unfortunately, my job means I have had many dealing with arrogant and non-compliant developers, I can't help but feel that this is someone cashing in on the potential to provide short term accommodation in an area that is also currently being threatened by a bike trail on its doorstep. Unfortunately, we will say goodbye to this isolated and most wonderful part of the world.</p>	<p><i>This is not a matter relevant to the assessment of this proposal.</i></p>
<p>Representation 5</p>	
<p>Issues</p>	<p>Officer comments</p>

As a shack owner at Cramps Bay who was told that there was to be no new developments this project is a slap in the face.	<i>See previous comments above.</i>
<p>An article written about Mr Simeoni in the CEO Magazine 19th August 2021 stated that his company Tas City Building had acquired waterfront property at the Great Lake and planned to build three chalets. Rather presumptive of him I thought. Especially because the applicant is asking it to be considered while it's not accommodated in an existing building.</p> <p>This application shouldn't be permitted by just relying on the performance criteria alone. My concern is also these 3 New Units @ 118.6m2 ea = 355.8m2 total living area.</p>	<p><i>This is not relevant to the assessment of this application.</i></p> <p><i>Reliance on Performance Criteria is a legitimate way to demonstrate compliance with the Planning Scheme and does not indicate a deficient application.</i></p>
The entrance to these units will be on the main road into Cramps Bay definitely a safety hazard for sure. Being unsealed and narrow in places it's not for two cars to pass safely in parts and very close to a T junction. During winter months this road is treacherous with snow n ice. Very slippery as the locals know. Many inexperienced tourists have ended sliding into the drains on the side of the roads or indeed onto the rocks. It's the shack owners they gone looking for to get them out of trouble. Which we do. Will we be expected to rescue more of these inexperienced visitors to these units by towing cars up the hill to the highway because of inadequate vehicles.	<i>The proposed access is reasonably located and can be constructed in accordance with design requirements.</i>
Mr Simeoni has stated that these units are for fishermen. Nowhere on the plans are there sufficient plans for boats on trailers n adequate turning circles. This will all be of great disruption to the adjoining properties/neighbours. Who's going police the noise/parties at the units? There is no resident manager on site. You can't just build them and walk away and expect the money to roll in. There is responsibility beyond the build. All shack owners have their names n contact number visible on their shacks for emergency purposes. Will this be a requirement for the units? Will there be some sort of visitors emergency plan?	<p><i>The application does not indicate specific customers such as fishermen.</i></p> <p><i>The applicant has indicated that a management plan including emergency procedures will be developed for the proposal and can be provided to Council. This will be required by condition.</i></p>
<p>I'm concerned that Unit 2 and Unit 3 are constructed within the Waterways and Coastal Protection Area rather significantly. Damage to this area should be non negotiable.</p> <p>Also the irrigation areas for the grey water either side of Units 1 and Units 3 totalling 456m2 is within the Waterways and Coastal Protection Area. Totally disagree with this. That area is there to protected for a reason.</p>	<i>The proposal has been assessed against the requirements of the Waterway and Coastal Protection Code and found to comply.</i>
As stated in the Wastewater System Recommendation the Grey water will be piped into a tank for treatment. That treatment is a lint filter. I don't consider that to be enough treatment so close to the lake. This Grey water will then be irrigated on demand by wobble sprinkles onto the landscape area. Which is in the protected area!!!	<i>See previous comments above.</i>

<p>No other shack is permitted this. This is the Highlands pipes above ground freeze and burst in winter.</p> <p>Stated in the Geological Evaluation the site is located on Mesozoic aged rock and the rock is not suitable for absorption. So all the irrigated Grey water will/must end up washed into the beautiful Great Lake. Especially with the amount of rainfall and snow we receive. At what cost. Priority must be given to the health and well being of the water of the Great Lake not \$\$\$.</p> <p>The Black water tank only has a capacity for 1 month of full accommodation in peak season. Is there a guarantee of this tank being emptied or are we to expect overflow and stench.</p> <p>All the risk management falls back on the occupants of the units at the time. Seeing as there is no resident manager will there be some visitors guide as to what to do when the hydraulics fail, the pipes freeze, the sewage backs up etc. Or will there be a plumber on call? As shack owners we are all pretty handy and self sufficient it's part of the shack life. As a paying guest that's not a requirement. Will they just walk out with sewage overflowing every where. The project criteria also states that the Wastewater System is on Mains Power.</p> <p>Cramps Bay is NOT connected to Mains Power. All shacks are generators or solar.</p>	
<p>The increase in waste will be of concern as well. Especially even now when the three bins that are currently at Cramps Bay are never emptied. It's always two of the three.</p> <p>Since the pontoon at the boat ramp was installed the amount of tourist n fishermen has increased. The bins are always overflowing. No lids don't help either with the wildlife spreading the rubbish. These units will only exasperate the situation.</p> <p>Please take all the points into consideration when deciding. We all love this place and want the best for it.</p>	<p><i>See previous comments above.</i></p>
<p>Representation 6</p>	
<p>Issues</p> <p>We would like to lodge an objection to the proposed building at 1 Cramps Bay Esplanade, Cramps Bay (DA 2022 / 00001)</p> <p>Listed below are our concerns regarding the above application:-</p> <p>Sewage I understand that they are going to have a scheduled pump-out of this – how frequent and who will be monitoring that this does happen in an appropriately timely manner.</p> <p>Fire escape</p>	<p>Officer comments</p> <p><i>These matters are addressed in comments above.</i></p>

What will be put in place for escape from Cramps Bay should a fire event occur.

Power to the Units

What is the planned source of power for these units? Solar panels don't charge if the sun isn't shining – what is the back-up plan for this.

Grey water

Is the grey water distribution on the block by a sprinkler system the best fit for this location? And if it is how would that work?

Could there not be the opportunity here for harmful run off in a pristine area. Is there not some concern regarding pathogens and other contaminants from soap and detergents in grey water reticulation that has been raised about this method which precludes it from being widely used as a residential irrigation method.

Obviously in winter such a system would be frozen.

Who is going to monitor the area that this takes place on to ensure that the land doesn't get over "water saturated".

And if it's so good why isn't it widely used in the community.

Is it believable that short stay renters of these units will have the ability or common sense to adopt the water saving practices and waste removal from cooking practices outlined in the proposal?

We, the shack owners, have used and effectively maintained septic systems for many years. If it's accepted by a regulatory body as best available practice then I can see it becoming popular with everyone as a method of lawn and garden irrigation in other areas.

Road conditions

How will this development impact the Cramps Bay access road, which is the only road in or out of the Bay.

In winter this road becomes icy and extremely difficult, even for shack owner who have experience with this road, to negotiate.

The option of sealing this road could create a catastrophe like Haulage Hill on the other end of Great Lake where there are repeated retrievals of inexperienced drivers slipping off the road.

At some points Cramps Bay Road has very deep ditches at the edge of the road and over the many years that we have been using it erosion is making these ditches wider and closer to the driving surface.

Will the council and other government entities be responsible for any capital outlay for any changes to the Status Quo or will any infrastructure/changes to roads and amenities be covered wholly by the proponents?

What effect will the lighting from this development have on the general ambience of Cramps Bay which is currently solely shacks powered by solar, wood fired heating and a few with generator power with minimal floodlighting of outside areas.

What procedures will be put in place for when people staying in the proposed visitor accommodation get snowed in? What resources will that require and who will be providing/financially responsible for them?

Is this proposed development fit for purpose for Cramps Bay.

The initial intention for Cramps Bay was, and still is as far as we residents feel, for this to be a traditional shack type community shared and cared for by a group of like-minded fishing enthusiasts that love and respect the environment they are privileged to share.

When we purchased our sites as part the government initiative I am pretty sure that we were assured that there would be no major expansion to the Cramps Bay settlement with numbers capped at the level at that time. I believe the number was between 30 and 40 shacks. It was meant to be for shacks that are self-sufficient, non-intrusive to the environment and self-maintained and respectful of the land that they are on. The proposed development will not meet this criteria, in fact, it will have a huge impact in all aspects of what Cramps Bay is about.

The conclusion being reached by many is that this is the thin end of the wedge that will alter and eventually destroy the traditional highland experience that we have enjoyed over the past 45 years.

The introduction of itinerant visitors that have no connection to, or affinity with, the area will cause a community disconnect with, and a loss of culture in general. Commercial development for profit via short term rental is not what this area is about. If sanctioned this trend could see all future development in the highland area being solely for income generating short term accommodation. This appears to be the current path that developers are going down willy nilly in an attempt to attract tourists to areas that are not equipped to deal with the pressures of tourists.

This application and the recent developments of site usage at Arthurs Lake along with the possibility of people riding bikes and walking a trail around the Great Lake (theres a whole different problem of waste disposal/camping areas and environmental damage) causes alarm and bewilderment at what the future holds for one of Tasmania's last bastions of uncommercialised wilderness type areas accessible to all users.

Representation 7 David Dingemanse

Issues	Officer comments
<p>We like to make the following representation as being the adjoining land owner of Lot 12. We raise the following concerns in relation to this submission.</p> <p>1: We have owned our property for over 30 years and when the Hydro Tas offered up the land for purchase we were told that Lot 13 will be put aside as reserve, the surveyor at the time confirmed this. SO its was quite a surprise that the land is now privately owned and has a development application underway.</p> <p>This design does not fit the required allocation of the waterway and coastal protection area, in fact it clearly intruding into this zone.</p> <p>2: There is misleading notations in relation to Bushfire Attack compliance .</p> <p>It's noted that and I quote: (Arrangement with Neighbour established to cull necessary vegetation for bushfire attack compliance).</p> <p>There has been no communication at all with any interested parties and for the record we will not allow any vegetation to be removed from our property.</p> <p>We have rare species of Hakier , Native pepper Berry and some of the original Eucalyptus trees that survived the construction of the Lake . We also have nesting zones of rare honey eaters and Carrawong .</p> <p>3: The location of 2 of the Units clearly are a visual intrusion of our view of the lake and our privacy . Our View was a fundamental reason for our purchase and we own the rights to that skyline and thus needs to remain untarnished and uninhibited .</p> <p>I believe that 3 Buildings on such a small site is far too excessive .</p> <p>4.The current Irrigation Area Zone 2, is not suitable , every winter that whole area is flooded by water run form the highway and the access road, all this water flows into the lake, so All grey water will find its way to contaminate the lake.</p> <p>5. The recommended Sewer management plan Table 9:1, is flawed. We are talking about a harsh environment where we have Snow, ice, heavy rain, power outages, internet access outages . and extreme freezing down to minus 10.</p> <p>There is no way a client ## tenant will phone through a issue in relation to a failed sewer line , The rocky land can not handle any spillage so close to the waterway reserve so I have huge</p>	<p><i>These matters are addressed in comments above.</i></p>

<p>concerns with the fact that there can be 12 Adults putting load on the system daily . 12 Adults using ablutions, showering, washing up.. that a massive load on such a small site that is all rock, has no natural absorption and is clearly too small to construct 3 Buildings. So again any failure will immediately contaminate the lake and water ways.</p> <p>We trust that you will take the time to consider our objections and concerns.</p>	
<p>Representation 8 Michael Paine</p>	
<p>Issues</p>	<p>Officer comments</p>
<p>I wish to voice my concerns regarding this development application.</p> <p>We are shack owners at Cramps Bay, (for approximately 3 years) but our extended family has strong ties to the area going back to the 1970s. The community is a close knit group of people who come to the area for the peace and quiet, outstanding natural beauty of the lake and surrounds and to pursue activities, such as fishing, hunting and bushwalking. Most of the owners come to their site on a regular basis throughout the year and although we, “look out for one another” are respectful of peoples privacy and desire to get away from the normal demands of our increasingly busy lives.</p> <p>I am extremely concerned that the amenities of all shack owners within this area will be affected in relation to privacy, noise, increased traffic and rubbish/waste that will be generated from this site, specifically due to the construction of three visitor accommodation units.</p> <p>There has been a risk management of site and soil constraints, which is quite detailed in regards to “no go” areas and what steps occupants should take if a situation/problem occurs. This development is identified as specifically for short term accommodation and will not be occupied by the owner.</p> <p>Who will be responsible for the maintenance of this site? How are they to be contacted should inevitable problems with maintenance and amenities of the site arise? As a shack owner, I can attest to the need for the regular ongoing maintenance of our property due to the remote location and harsh climate.</p> <p>I would also expect that council would require an approved Visitor Management Plan for the site.</p> <p>This should include up to date contact details for the person responsible for the site. When and how short term accommodation occupants are notified of the requirements to comply with any restrictions or rules that may pertain to the site. A list of those rules and requirements and contact details for a person responsible for the site</p>	<p><i>See comments to Representation 4 which is largely the same.</i></p>

including alternative contacts if they not be available, should be distributed to all shack owners within this area. Unfortunately, due to the remote nature of Cramps Bay, it will be extremely difficult to police things like noise complaints, or anti-social behaviour, particularly on weekends as the Council offices will be closed and the nearest Police Officer is stationed at Liawenee.

Another concern for us is the density of the site, with three new buildings, their required parking areas and wastewater disposal for all three dwellings into landscaped areas for spray irrigation. It is

not in keeping with the area where properties have one shack/dwelling and a couple of sheds on the

title. We are concerned that should this proposal be passed, it will set a precedent whereby other properties could be acquired by developers solely for the potential of the land, the dwellings /sheds

demolished and replaced with several buildings for short term accommodation built in their place.

The access roads to Cramps Bay are gravel and are seeing an increase in traffic due to the recent upgrade of the boat ramp. We are concerned that, as there will need to be intense excavation and soil disturbance requiring heavy machinery due to the nature of the site, that there will arise issues with damage to the road surface and right of way onto the site. Who is responsible for any damage to the road as a result of the construction on the site and how will that be enforced? How will you ensure that all excavation works and building debris remain within the site. Is there a Soil and Water

Management plan? What measures do you have in place to make sure that the developer remains compliant within this very sensitive Waterway and Coastal Protection area? There is a watercourse on the other side of the road of this property which runs directly into the lake and we are concerned

about the possibility of excavated material and building debris ending up in it and inevitably making its way into Great Lake.

Winter in this area is long and harsh. Cramps bay is at an elevation of 1030m above sea level and is frequently subject to below freezing temperatures and heavy snowfall. Pipes freeze and can split due to ice expansion. We are concerned that part of the proposed grey water system, in the application documentation relies on the use of wobbler sprinklers for spray irrigation to landscaped areas. The efficiency and effectiveness of this system will be severely compromised in winter due to the freezing temperatures, particularly overnight.

The plans show a total of 456m² waste water absorption areas at each end of the site to which the Grey water is to be irrigated to after treatment, yet the geological evaluation shows that the site is located on "Mesozoic aged rock,

consisting of Tasmanian Dolorite and not being suitable for absorption.” Where will that run off go? The wastewater areas and therefore potential run off are very close to the boundaries of the site. What measures will be put in place to protect those areas from potential run off due to non absorption and non-functioning irrigation systems?

I also note in the applications documentation, that it is recommended for optimal performance of the system to reduce sludge build up in the irrigation system:

- Scrape all dishes to remove fats, grease etc prior to washing
- Keep all possible solids out of the system
- Do not use rubbish grinder or place hygiene products into the system
- Use bio-degradable soaps and low phosphorous detergents and only use recommended quantities
- Do not pour paint/oil or other chemicals into the system
- Install water saving fixtures
- De-sludge tank every 3 to 5 years or when sludge exceeds two thirds of tank volume
- Clean outlet filter
- Inspection of system by accredited plumber regularly

Can totally understand the benefits of using the recommendations for optimal performance of the irrigation system and as an owner/occupier would definitely be using those recommendations but the reality is that this is not a property being used by an owner/occupier, it will be used by transient people who would not care less about the recommendations for optimal performance of the irrigation system, which makes the inefficient use of this system less effective and a much higher risk to this sensitive environment.

I also note that Black water is to be retained on site and removed/pumped out following a regular maintenance schedule. This will need to be monitored diligently. I do note that the system has been designed to cater to the requirements of the site, (based on the estimated number of people and length of stay), however this maintenance procedure will need to be given the utmost priority by the owner or any future owners of the property. I hope that the commercial nature of self contained accommodation does not mean that the costs associated with this extremely important maintenance, mean that it is given less priority over time.

I also note that the documentation specifies that this is a mains powered site, but there is no mains power at Cramps Bay. All the shacks are “off grid” Solar, 12 and 24V systems, gas cooking and wood fire. This is another aspect of living in the

<p>area and one that also requires maintenance and attention.</p> <p>This site is also within a Coastal Protection Zone, so the safeguard of flora and fauna within this area should be carefully considered throughout this application.</p>	
<p>Representation 9</p>	
<p>Issues</p>	<p>Officer comments</p>
<p>As a family we are disappointed with the proposal for this development at cramps bay when we purchased the leased land from Hydro Tas it was stated that there would be no more development at Cramps Bay, owners couldn't subdivide any of their lots nor erect fences.</p> <p>This development seems to make that null and void, when initially surveyed the surveyer told me this lot would be a foreshore reserve because if ever Great Lake would fill up to the top of the dam parts of the esplanade would be under water and cover the road in front of the proposed units.</p> <p>The previous owner of this lot 13 had a shack on lot14 which was supposed to be demolished about 20 years ago, this shack is still standing and has been used over that period. The owner at the time had been given the opportunity to have lot 19 or 1 he chose lot 1. Who's responsibility is it to demolish that shack now? Maybe Simco should be given lot 19 and build there.</p> <p>As for the 3 proposed units and having the family shack at 3 cramps bay esplanade, behind this development we don't understand why you would put 3 units there when one would suffice or eradicate the middle unit at least, seems to me a money making venture as the developer intends to rent them out .</p> <p>We as a family will be very disappointed if this development proceeds and is approved.</p> <p>We will be looking at 3 solar paneled roofs and have 3 fireplace flues blowing in our direction with the prevailing north westerlies.</p> <p>The modern style of the proposed units are not in keeping with the cramps bay shack image .</p> <p>On the site drawing it states that permission will be asked to remove vegetation for bushfire attack level of on our property, we will not allow any removal of any vegetation on our site The native flora is already under threat at cramps, especially the endemic hakea which is dying off in the area at an alarming rate, we feel any cull of vegetation is irresponsible</p> <p>I am in my mid seventies and love seeing my children, grandchildren and great grandchildren</p>	<p><i>These matters are addressed in comments above.</i></p>

enjoy this environment and lifestyle for years to come as it will be handed down to them, We would ask council to carefully consider this proposal as I know many shack owners around the lake are opposed to new development, also the proposed bike track.	
Representation 10 (received late) McCullagh	
Issues	Officer comments
<p>I would like to object to the planning development permit put forward to council regarding the commission of accommodation units in the area of cramps bay.</p> <p>It is our belief as long standing shack owners and recreation users of the Great Lake that these units will take away from the peaceful laid back lifestyle we are accustomed to in the central highlands. The three units will greatly affect the residents of cramps bay. With people constantly coming and going and as tourists and short time users generally do will not show the same respect for the environment as nearby residents and land as an owner occupier would.</p> <p>I also believe this was previously land owned by the crown, I understand it I perfectly legal for the crown to sell off parcels of land but what kind of precedent does this set. Will more and more land be sold off to the highest bidder, just so they can develop it to line their own pockets.</p> <p>This is not what the Great Lake is about, it is not a cash cow and should be kept as quiet and pristine. We get away and enjoy the Great Lake and surrounds as a shack style community as it has been used by many individuals for the last 3-4 generations. Everyone comments on how beautiful and quiet it is up there but it seems that some individuals want to commercialise on it to make a dollar, which at the end of the day changes it for the worst.</p> <p>There are already two pubs and several other smaller accommodation type lodges around the Great Lake do we really need anymore?</p>	<p><i>Comment noted.</i></p> <p><i>See responses above for further comments on specific matters.</i></p>
Representation 11 (received late) Paul O'keefe	
Issues	Officer comments
We would like to object to this application to build 3 units at the Cramps Bay address as we never expected commercialism to impact on the peace and tranquillity of Cramps Bay, where we have a holiday chalet nearby, which WE DONT rent out!	<i>Comments noted.</i>

Conclusion

The proposed Visitor accommodation 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 a number of representations were received. The matters raised in the representations have been considered in this report.

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 DA2022/01 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 DA2022/01 in accordance with one of the following options:

DA2022/01: VISITOR ACCOMMODATION (3 UNITS): 1 CRAMPS BAY ESPLANADE, CRAMPS BAY

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 DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, 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 DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, 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 DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, 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

Moved **Clr Cassidy**

Seconded **Clr Bailey**

THAT the following recommendation be made to Council:

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 DA2022/01 for Visitor accommodation (3 units) at 1 Cramps Bay Esplanade, Cramps Bay, subject to conditions in accordance with the Recommendation.

Recommended Conditions

General

- 1) The use 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 letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.

Approved Use

- 3) The development is approved for use as *Visitor accommodation* only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Management Plan

- 4) A management plan including emergency procedures and contact information for the site operator is to be kept on the premises at all times and provided to Council prior to first use of the approved use and development.

Amenity

- 5) The proposed colours and materials for the walls and roof as shown on the approved drawings are accepted. Any variation in the colours and materials must be submitted to and approved by Council's General Manager.
- 6) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's General Manager.
- 7) External lighting must be designed and baffled to ensure no light spill to surrounding properties to the satisfaction of the Council's General Manager.

Landscaping

- 8) Prior to building approval being issued by Council, a landscape plan is to be submitted, to the satisfaction of the Council's General Manager. The landscaping plan is to provide suitable landscape screening and visual softening of the outbuilding from adjoining properties to the south and from Wilburville Road. Plant numbers and species (common and botanical names) are to be described in the plan.
- 9) The landscaping works must be completed in accordance with the endorsed landscape plan, per condition 5 of this permit, within three (3) months of the date of this permit and to the satisfaction of the Planning Officer. All landscaping must continue to be maintained to the satisfaction of Council.

Parking & Access

- 10) At least six (6) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

- 11) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Tasmanian Municipal Standard Specifications and Drawings to the satisfaction of Council's General Manager, and must include all of the following;
 - a. Constructed with a durable all weather gravel pavement;
 - b. Appropriately drained, avoiding concentrated flows to the road; and
 - c. Be in accordance with an approved bushfire management plan.
- 12) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's General Manager.
- 13) Prior to construction of the access, design drawings to the satisfaction of the Council's General Manager, must be submitted to and approved by Council before any works associated with development of the land commence.
- 14) The developer must provide not less than forty eight (48) hours written notice to Council's Works Manager before commencing construction works on-site or within a council roadway.
- 15) Before any work begins in a public road reserve, a Traffic Management Plan prepared by a suitably qualified person in accordance with current Department of State Growth standards must be submitted to Council. The Traffic Management Plan shall form part of the permit when approved.

Services

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

Stormwater

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

Wastewater

- 18) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Weed management

- 19) Prior to or in conjunction with lodgement of a building application, a weed management plan prepared by a suitably qualified person (or as otherwise approved) must be submitted to the satisfaction of Council's General Manager.
- 20) The approved weed management plan will form part of this permit and is to be implemented during and after construction to the satisfaction of Council's General Manager.

Soil and Water Management

- 21) 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 General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- 22) 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 General Manager.

Construction Amenity

- 23) 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.

- 24) 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:
- 25) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- 26) The transportation of materials, goods and commodities to and from the land.
 - a. Obstruction of any public roadway or highway.
 - b. Appearance of any building, works or materials.
 - c. 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.
- 27) 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:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the Customer Building and Occupational Services (CBOS) website.
- C. 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.
- D. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Commonwealth Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Parks, Water & Environment or the Commonwealth Minister for a permit.
- E. This permit does not ensure compliance with the *Aboriginal Heritage Act 1975*. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>
- F. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at www.dpipwe.tas.gov.au.

Carried 3/1

For the Motion: Deputy Mayor Allwright, Cllr Bailey & Cllr Cassidy

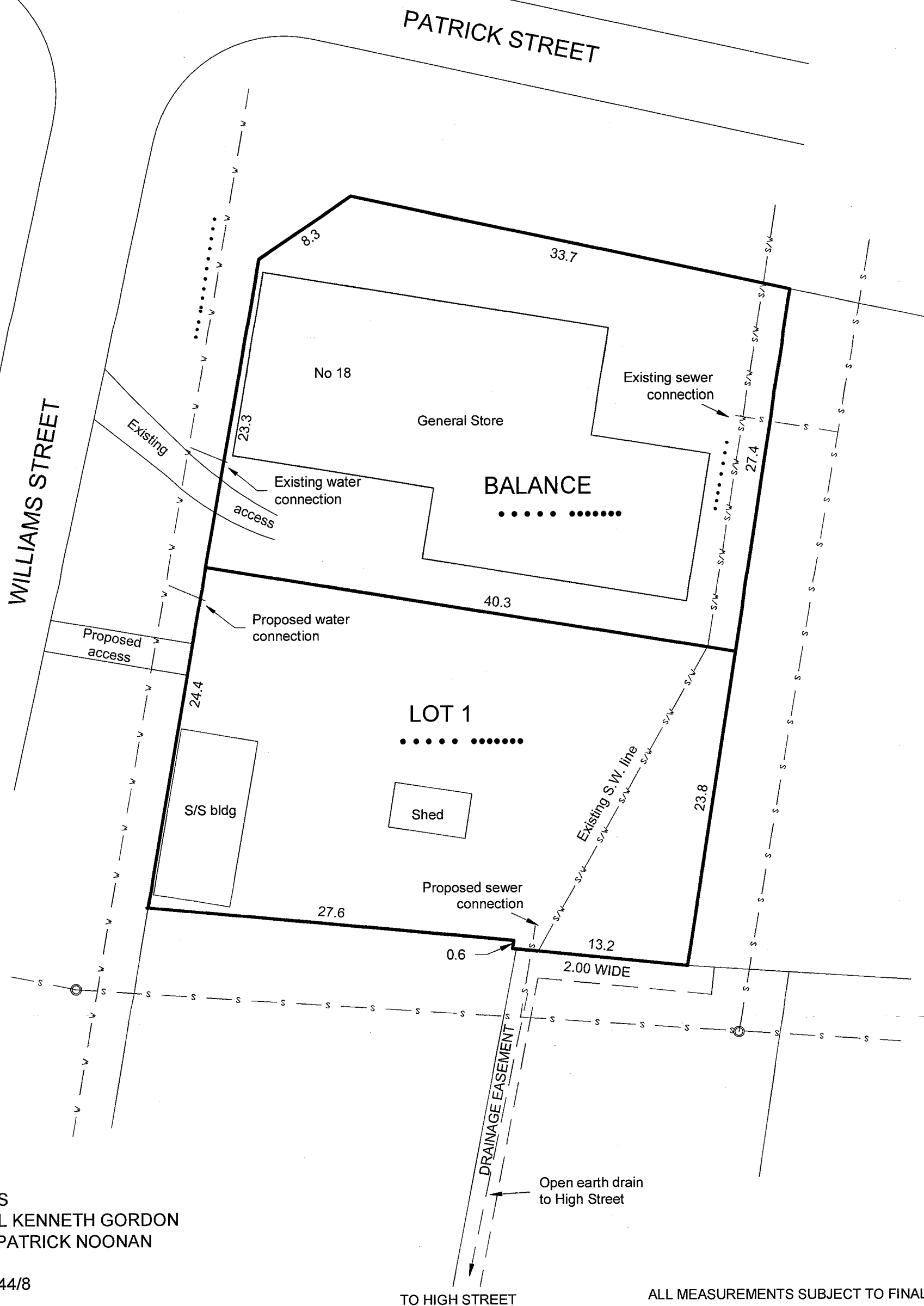
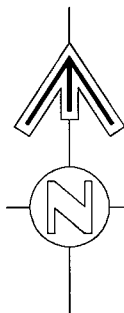
Against the Motion: Mayor Triffitt

7.0 OTHER BUSINESS

Nil

8.0 CLOSURE

There being no further business the Chairperson thanked everyone for attending and closed the meeting at 10.40am.



OWNERS
MICHAEL KENNETH GORDON
SHANE PATRICK NOONAN

C.T. 28244/8

ALL MEASUREMENTS SUBJECT TO FINAL SURVEY

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TONY WOOLFORD

PROPOSED SUBDIVISION
18 PATRICK STREET
BOTHWELL

SCALE 1: 300 (A3) | DATE: December 2021 | DRAWN: IDS/TNW | DWG NO. D1108-1



T. N. WOOLFORD & ASSOCIATES
LAND & ENGINEERING SURVEYORS
72 GRAHAMS RD, MT. RUMNEY

Phone (03) 6248 5224

m: 0418 248 569
e: tnwoolford@tassie.net.au

✖ ✖
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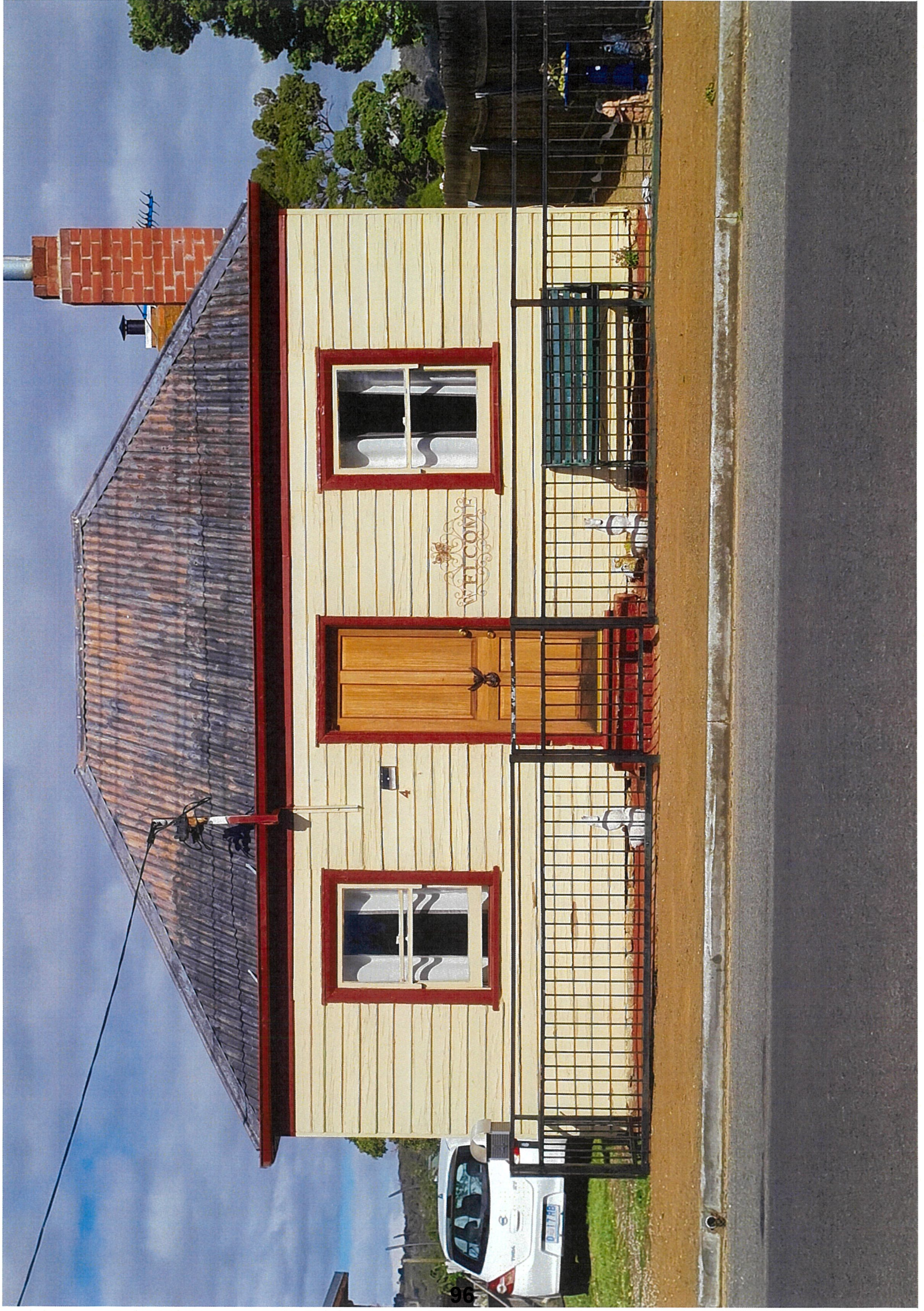
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Tas 7030

9th March 2022

Re: 4 Dennistoun Road, Bothwell Proposal: Replacement of Windows & Fence, Demolition of Shed, Outbuilding DA Number: DA 2022 / 00010

My objection to this application is in the use of Colourbond Cladding replacing the original weatherboards and aluminium windows replacing the timber sash windows.

I am concerned that the proposed alterations to this property will permanently and negatively alter the historic building's character and style. Given the fact that it is surrounded by heritage listed buildings in the immediate vicinity (1-3, 5, 7, 8-10 Dennistoun Road), this would potentially devalue the heritage values of these listed buildings and the historic streetscape.

I have noticed another old building just up from the post office that has had the same treatment (metal cladding over weatherboards and modern aluminium windows) and it has ruined any historic value the building had and spoiled the streetscape which apart from the Elders building was a complete row of historic facades.

I believe the town is having a resurgence of interest from people attracted to the heritage values and history of the town. I myself am a new - comer to the area as are the people either side of me and we have all been attracted to the town for its heritage values and charm. Surely it is in Council's interest to see these charming old buildings faithfully restored and cared for, particularly the street frontages.

I value these small semi rustic workers cottages just as much as the beautiful larger properties of the landed gentry scattered throughout the area and as someone who has worked on and restored a number of older buildings I am sure the existing windows and weatherboards could be brought back to good working order within a reasonable budget and make the property something the owner can feel a real sense of pride in as opposed to how it will present with colourbond cladding and modern aluminium windows..

Unfortunately, these objections probably do not relate back to any planning codes the council currently has in relation to non-heritage buildings – perhaps if this is the case we need to consider changes to the planning rules before the charm and character of this historic village is further degraded.

Regards,

Lyn Eyles
General Manager
Central Highlands Council

By email: leyles@centralhighlands.tas.gov.au

Dear Ms Eyles

Bushfire Prone Area Mapping

As you are aware, the Department is keen to strengthen the public awareness of bushfire risk to properties and the mitigation measures required to reduce these risks. We support the work of your council and the Tasmanian Fire Service (TFS) to map Bushfire Prone Areas within your municipality.

I am aware that the LPS for Central-Highlands council has been publicly exhibited and that representations have been provided to the Commission. Given the LPS is still within the statutory process, the date that it will come into effect is unknown.

To make the bushfire maps available to the public as soon as possible, it is proposed that an interim planning directive be sought which would put the Bushfire Prone Area overlay for Central Highlands into effect whilst the LPS continues through the statutory process. This interim directive will follow a statutory process and requires approval of the Minister for Local Government and Planning.

If the interim planning directive is made, this will allow the public to have access to this key critical spatial data as soon as practical. This data can then be available by the LIST, Risk Ready and PlanBuild Tasmania enquiry functionality which is now live.

If you would like to discuss this matter further, please contact Megan.Ryan@justice.tas.gov.au.

Yours sincerely



Peter Graham
Executive Director
Consumer, Building and Occupational Services

5 April 2022



TASMANIAN GOVERNMENT GAZETTE

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THURSDAY 31 MARCH 2022

No. 22 180

COVID-19 Disease Emergency

TASMANIA

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020

NOTICE UNDER SECTIONS 11 AND 17

I, PETER GUTWEIN, the Premier, being of the opinion that the relevant emergency circumstances exist in relation to this notice and with the approval of the emergency manager –

- (a) in pursuance of section 17(1) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, declare that, despite any of the provisions specified in the Schedule to this notice, any action required to be taken by means of a physical action such as signature or personal service, or evidenced in a document that is not an electronic document, under those provisions, may be taken or evidenced by means of an electronic signature or signatures, or an electronic document, respectively; and
- (b) in pursuance of section 11(1) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, revoke the notice “**Notice under section 17 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020**” signed on 30 March 2021 and published in the *Gazette* No. 22 073 on 1 April 2021.

Dated this 30th day of March 2022

PETER GUTWEIN
Premier

SCHEDULE

1. Section 237 of the *Local Government Act 1993*.
2. Section 238(1) of the *Local Government Act 1993*.
3. Regulation 4(7) of the *Local Government (Meeting Procedures) Regulations 2015*.
4. Regulation 34(6) of the *Local Government (Meeting Procedures) Regulations 2015*.
5. Regulation 35(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*.

TASMANIA

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) ACT 2020

NOTICE UNDER SECTIONS 11, 18 AND 19

I, PETER CARL GUTWEIN, the Premier, being of the opinion that the relevant emergency circumstances exist in relation to this notice, and with the approval of the emergency manager –

- (a) in pursuance of section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, declare that, despite regulations 11(1), 14 and 37(2) of the *Local Government (Meeting Procedures) Regulations 2015* –
 - (i) a meeting, of a council or a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993*, may be held in the approved manner, within the meaning of section 18(2) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, on the condition that the quorum for the meeting is constituted by the number of those members of the council, or planning authority, respectively, who are present in accordance with that approved manner during the conduct of the meeting; and
 - (ii) a meeting, of a council or a planning authority, that is required by any of those provisions of the *Local Government (Meeting Procedures) Regulations 2015* to be open to the public, may only be held in accordance with the approved manner referred to in sub-paragraph (i), on the condition that –
 - (A) an electronic recording of the meeting is available, for viewing by members of the public, at a website of the relevant local council; and

- (B) the electronic recording so available is, as far as reasonably practicable, made so available for viewing contemporaneously with the meeting; and
- (b) in pursuance of section 19 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, declare that, despite any provision specified in the Schedule to this notice, a requirement specified in the provision for public exhibition of documents, or information, at a place or in a manner specified in the provision, is taken to be satisfied if the document, or the information contained in the document, is –
- (i) available, for viewing by members of the public, at a website of the relevant local council; and
 - (ii) available in hard copy, on request by telephone and for a fee representing the cost of reproducing the document, for collection from a place nominated by an officer of the relevant council; and
- (c) in pursuance of section 11(1) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, revoke the notice “**Notice under sections 18 and 19 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020**” signed on 30 March 2021 and published in the *Gazette* No. 22 073 on 1 April 2021.

Dated this 30th day of March 2022

PETER GUTWEIN
Premier

SCHEDULE

1. Section 22(4) of the *Local Government Act 1993*.
2. Section 28T(6) of the *Local Government Act 1993*.
3. Section 31(1)(b) and (4)(a)(ii) of the *Local Government Act 1993*.
4. Section 56B(3) of the *Local Government Act 1993*.
5. Section 64(2) of the *Local Government Act 1993*.
6. Section 66(4) of the *Local Government Act 1993*.
7. Section 69 of the *Local Government Act 1993*.
8. Section 71(3) of the *Local Government Act 1993*.
9. Section 109C(4) of the *Local Government Act 1993*.
10. Section 109E(3) of the *Local Government Act 1993*.
11. Section 157(2) of the *Local Government Act 1993*.
12. Section 206 of the *Local Government Act 1993*.
13. Section 269(4) of the *Local Government Act 1993*.
14. Section 339F(3) of the *Local Government Act 1993*.
15. Regulation 7(3), (4) and (5) of the *Local Government (Meeting Procedures) Regulations 2015*.
16. Regulation 9(2) and (4) of the *Local Government (Meeting Procedures) Regulations 2015*.
17. Regulation 35(2) of the *Local Government (Meeting Procedures) Regulations 2015*.

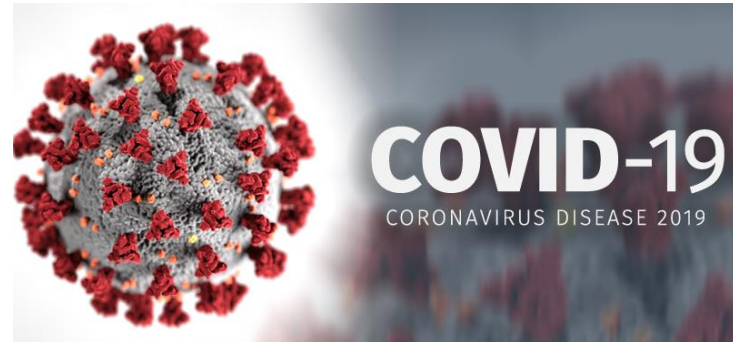
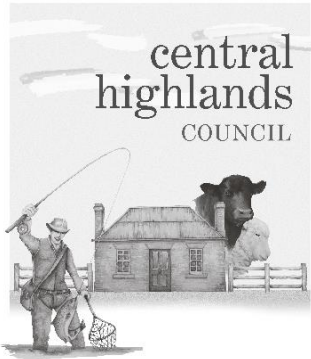
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COVID 19 SAFETY PLANS CLEANING SCHEDULES

Version 3.0 –

updated 2nd February 2022

1.0 COVID-19 Safety Plan

Council and Public Access Areas.

Unit / Manager	
Relevant Scope / Activities	<p>Responding to an Incident in the Workplace Page 5</p> <p>Access to Playgrounds Reserves and Parks Public Buildings</p> <p>Council owned public buildings, parks etc.</p> <ul style="list-style-type: none"> • Hamilton Council Office; • Bothwell Council Office; • Hamilton Camping Ground; • Hamilton Hall; • Hamilton Street Library; • Bothwell Caravan /camping Ground; • Bothwell Hall; • Bothwell Recreation Ground; • Bothwell Football Club and Community Centre; • Ellendale Hall; • Ellendale Recreation Ground; • Great Lake Community Centre; • Ouse Hall; • Central Highlands Visitor Centre; • Bothwell Swimming Pool and • Other Camping Facility and Playgrounds across the municipality • Hamilton Landfill • Waste Transfer Stations

Location	Central Highlands Council play grounds, reserves and parks and Public Buildings
Background	Covid-19 restrictions banned entry into playgrounds, reserves and parks
Triggers for: <ul style="list-style-type: none"> - Re-opening or modifying services - Returning workers to site; or modifying on-site presence 	<ul style="list-style-type: none"> - Risk of virus transmission changed (low number of active cases = reduced risk, increase in active cases or outbreak = increased risk) - Testing criteria expanded and capacity for testing increased - Government has relaxed restrictions (where the function has been subject to a mandated restriction) - Government restrictions able to be adhered to - Additional control measures able to be implemented (as required) to minimise the risk of transmission to a tolerable level - Service/function either requires an on-site presence or would benefit from on-site presence
COVID-19 Risks	<p>Gatherings in numbers greater than that prescribed by the Tasmania Government under the provisions of a declaration under the Health Act.</p> <p>Recreational users not observing prescribed social distancing protocols.</p> <p>Group activities in facilities provided by the Central Highlands Council exceeding the groups sizes prescribed and not observing social distancing and hygiene requirements.</p> <p>Contamination of surfaces between bookings or visits by groups</p>

Proposed Controls Required to Address COVID-19 Risks

Controls to address risks to staff and the public <ul style="list-style-type: none"> • Limits on the size of groups for bookable spaces in accordance with the prescriptions declared under the order of the Tasmanian Government • Incorporation of social distancing and hygiene requirements for any bookings through an additional set of conditions and requiring covid 19 safety and hygiene plans for any group bookings. • Awareness posters for social distancing and hygiene protocols in bookable spaces to be maintained • Social distancing and hygiene awareness posters to be maintained at sites where gathering is likely to occur. This includes playgrounds, Reserves, parks shelters and BBQ facilities. • Cleaning regime as per cleaning schedules • Monitoring of compliance with breaches reports to Tasmania Police • Users of Hall to supply Covid 19 safety plan for maintaining social distancing and hygiene requirements, to agree to Hirer agreement. • Running water in taps for a period of two minutes prior to use in areas to be used • A safety checklist may be required to be filled out, copy attached for reference.

- Masks may be required for Council run gatherings example Anzac Day
 - Council Meetings may require masks as per LGat guidelines.
 - Matters that would ordinarily require a physical action to either support the conduct of a council meeting, or in relation to certain approvals, may be done electronically (Section 17 of the Act).
 - Councils may meet in the 'approved manner' as provided for under section 18 of the Act. This allows for councils to meet and transact business by means of teleconference, or another agreed method. The Notice provides the discretion for all or some councillors to participate in meetings remotely, subject to the relevant circumstances.
 - Documents that require physical display or inspection at council premises under the suite of local government legislation can instead be displayed or inspected in the 'approved manner', which provides that these documents must be accessible on council websites (Section 19 of the Act).
- Check in Tas QR Code for all venues and offices Deleted

Vaccinations

Employed or Engaged

Under the direction of the Public Health there is a requirement for a person to be vaccinated where they are employed or engaged at a medical or health facility. Where a council leases a defined and separated space (eg room) to a health or allied health provider as defined in the direction then the health or allied health provider is responsible for making sure they are vaccinated and their staff supporting the activities are vaccinated. Furthermore it is only the hired space which is deemed to be the health or medical facility.

In comparison, where a council runs an immunisation clinic, or engages a provider to deliver allied health service to the community then the council is required to ensure that the staff supporting the vaccination clinic/service are also vaccinated (noting this is the case where the facility in which the service is delivered is deemed to be a health or medical facility). The council also needs to be cognisant of the facility in which the service is provided as to which part of the facility is deemed to be the health or medical facility. This will dictate whether there will be a broader impact on staff and volunteers who may also work within the building/space.

In a situation where an allied health provider hires an entire facility (eg community hall) for a period of time on a regular basis eg weekly then the facility is only deemed to be a health or medical facility during the period in which the facility is used for that purpose.

Bothwell Recreation Ground

The use of the club rooms will require a Covid 19 Safety Plan for each group who utilises the venue, , and numbers must be limited to the Governments social distancing requirements.

Sharing of exercise equipment or communal facilities is now allowed under the Tasmanian Governments Restrictions for Sport and Recreation

- Apply personal hygiene measures – hand sanitiser before and after
- Do not share water bottles or towels
- Do not attend training if unwell

Crowds as per Tasmanian Government Gathering Restrictions

Get in train and get out, no mingling

- Not more than 1-person p/2sqm
- **Non-contact skills training**
- Kicking, handballing, running, fitness, hand/ball skills and game education
- Can use skipping ropes, mats, other equipment as required
- Stagger training groups
- Arrive dressed to train
- Log attendance
- Briefings in advance
- Maintain social distance between activities
- No unnecessary social gatherings.

Gathering limits and the requirement to maintain physical distancing where practical applies to all sports, exercise and recreation as per Tasmanian Government requirements

Controls to address risks to the staff

- **Reading, signing and following the Safe Work Method Statements for offices and works depots**
- **Adhere to Safe Work Method Statements.**
- Observing social distancing and hygiene protocols
- Suitable PPE and training to be provided for staff cleaning facilities including Hamilton Landfill and Waste Transfer Stations
- Continuation of existing controls, such as vehicle cleansing per cleaning schedule
- Facilities cleaning schedule in place.
- Advice on what to do if unwell and not to attend work.
- Keeping records of visitors attending sites worksites and offices QR codes to be used by all visitors and staff.

- Workers must take reasonable care of their own safety and make sure they don't affect the health and safety of anyone else (such as a co-worker). Workers must also comply with any reasonable work health and safety requirements.
safety instructions given by their employer

Council meeting to be held in accordance with the LGAT Guidelines



Local Government Association of Tasmania
Council Meeting and COVID-19
Safety Plan Guide

- Advise to download Check in Tas app for phones.

Responding to an Incident of Covid 19 in the Workplace

- Any person showing symptoms or has an elevated temperature must go home and self isolate and get tested. ,
The Government is establishing a State-wide distribution network to ensure that RATs are available in all parts of the State for people who are symptomatic or who have been identified as a close contact. This will involve setting up a number of drive through sites where RATs can be provided to eligible people with limited contact.
- If the person tests positive to Covid contact the the Public Health Department and your works Manager to advise.
- Provide a list of names and contact numbers of anyone who may have had contact with the person during work hours.
- Liaise with Public Health Services to coordinate appropriate communication about the case or outbreak to other people associated with the setting.
- Public Health will coordinate the contact tracing.
- Restrict access to areas that may have been contaminated, including spaces where the person spent time within the previous 48 hours, until cleaning and disinfection are completed The Office and works depot at the location of the positive test should be closed and a deep cleaning organised for the areas of concern.
- Limit entry to the premises and movement within the premises
- Advise staff, visitors, contractors and customers of the general situation, in liaison with Public Health Services
- Protect others by displaying outbreak signage and enhancing physical distancing in the setting.
- Workers should self isolate and get tested

The Public Health Department will advise if those who tested negative can return to work and when.

Information on Rapid Antigen Testing

Dept of Premier and Cabinet

The Tasmanian Government has purchased a supply of RATs to reduce the impact of COVID-19 measures on the continuity of essential services. As foreshadowed during the meeting, councils are encouraged to consider the role that RATs can play in maintaining essential services over the coming months.

The routine and widespread use of RATs as a precautionary screening tool is unlikely to be required except in very high risk environments (such as high-risk surgery). RATs may, however, be useful as a risk mitigation tool where COVID has been detected in a work environment, and where RATs can play a role in reducing its impact on essential services.

Please note that Council employees who are symptomatic or who have been identified as a close contacts, like the rest of the community, will continue to have access to free RATs through the Public Health Service. Other staff members can access RATs from pharmacies at their expense or for free if eligible under Commonwealth programs.

Other Controls

- Self-regulation
- Forward complaints of non-compliance to the Tasmanian Police
- Full Covid 19 Vaccination

Consultation

In preparing this document I have consulted with staff and the Works and Services

Prepared	Bev Armstrong	Date: 13-5-20
Reviewed	<i>Bev Armstrong</i>	<i>30th June 2021</i> <i>Reviewed Oct 1 2021</i>

		<i>Reviewed February 2nd 2022</i> <i>Reviewed 6th April 2022</i>
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LOCAL GOVERNMENT PLANNING FOR A LOCKDOWN

The restrictions that are being planned in the event of a regional or state-wide lockdown will impact Local Government services and facilities.

During a lockdown, some public areas may be required to close, and some non-essential services may be required to cease. This is consistent with the requirement for people to stay at home, work from home if possible, and to limit their movement in the communities during a lockdown.

The list below is for planning purposes and should be taken as a guide only. The restrictions that may be put in place in the event of a lockdown will reflect those that are needed for the particular set of circumstances at the time.

Topic

Playgrounds and skate parks

Public swimming pools and health clubs

Community halls and other facilities, such as neighbourhood houses or recreation centres

Community festivals and events

Community services such as child care, and services for young people and seniors, including health promotion

Topic

Restrictions

Indoor and outdoor — closed.

Indoor and outdoor — closed — other than to provide rehabilitation services by a registered health practitioner or other approved person.

Closed — unless the premises is being used to provide essential voluntary, or public, services such as food banks or homelessness services.

Cancelled. Unless specifically exempted by the Director of Public Health, events and gatherings will not be permitted during a lockdown period.

Child care can continue to be provided.

Other social services should be reconsidered during a lockdown, to reduce the reasons that people leave their house (and in doing so, reduce the opportunity for the disease to spread further).

Restrictions

Markets	Indoor or outdoor fresh food markets (where the food is to be consumed at another location or premises) can occur. Other types of markets (e.g. second hand goods) must cease. Markets must apply density restrictions and ensure social distancing is maintained.
Other premises owned or operated by a council of a municipal area	Closed — unless those premises, or parts of those premises, provide essential voluntary, or public, services.
Parks and public reserves	<p>Certain parks and reserves may be closed during a lockdown. This may include Wellington Park, all national parks, state reserves, nature reserves, game reserves, conservation areas, nature recreation areas, regional reserves, historic sites and all Future Potential Production Forest Land. Some of these types of reserves or parks are owned or managed by councils.</p> <p>Certain approved people will be allowed to continue to enter the parks, such as:</p> <ul style="list-style-type: none"> members of the emergency services. authorised officers (as defined in the National Parks and Reserves Management Act 2002), whilst in the course of their duties. people undertaking construction or maintenance works on behalf of councils or a listed agency. primary producers to ensure the welfare of livestock, plant, equipment and products. business operators, where there is no direct contact with members of the public. people who ordinarily have legal authority to occupy or traverse the lands e.g. maintenance, security, residence. People who have no alternative route to access their land. Residents of Fern Tree traversing the Pipeline Track. Other people, or classes of people, exempted by the Deputy State Controller.
Public services such as rubbish collection, road construction and maintenance, environmental health, emergency management, support of utilities etc.	These services should continue with COVIDSafe plans in place, noting that facemasks must be worn when required and density rules may apply. Where practicable and reasonable, consideration should be given to whether the service can be delayed until after the lockdown.

Travel to King Island, Flinders Island and the Furneaux Group of Islands

It is not possible to say for certain how COVID-19 will impact travel to or from Tasmania's islands in the Bass Strait. However, it can be expected that some restrictions will return to protect these regional communities that are isolated from health systems located on mainland Tasmania or Australia.

This may include restricting travel to the islands to residents only. However, even residents may be restricted from returning to the islands if they have spent time in an area where COVID-19 is present. Quarantine requirements may be in place for people approved to return to the islands, with exemptions issued on a case by case basis by the State Controller (or delegate).



Continuity of critical services for councils for lockdown (October 2021)

In the context of a short, sharp lockdown (approximately three to five days), the following services have been identified as critical for on-site work to enable councils to ensure the safety and wellbeing of their communities

The State Government lockdown directions are to be followed at all times. This document is for guidance purpose only. The following guidance is subject to change to best adapt to the COVID-19 risk posed at any one time on the advice of Public Health Services.

State Government directions are likely to allow the CEO/GM of the council to determine essential local government services for that council. Where a council is uncertain clarification should be sought through LGAT, as other councils may also be unclear.

Council services that are delivered remotely will continue.

Service area	CLOSED (for on-site work)	OPEN (for on-site work) – COVID Safe Plan	Restricted operations or industry specific obligations
Corporate services <i>(Customer enquiries, communications, corporate financial services, IT)</i>	Council corporate facilities are closed to all but permitted workers identified for on-site work.	Staff should only attend for essential reasons, such as, but not limited to: <ul style="list-style-type: none"> <input type="checkbox"/> IT support services and equipment, <input type="checkbox"/> urgent building and facility maintenance, <input type="checkbox"/> incident administrative purposes that cannot be carried out at home (credit card payments over the phone, collection and sending physical mail, placement of planning notices and scanning of paper plans etc), 	Services will be provided remotely.

		<input type="checkbox"/> meeting General Fire Regulations such as the presence of Fire Wardens.	
Council meetings	N/A	Must be done remotely	
Emergency management <i>(Normal emergency management functions due to events such as storm, flood, fire)</i>	N/A	All emergency management functions should be undertaken meeting COVID safety plans and any guidelines prepared by the CCC including the COVID-Safe Evacuation Guide, State Special Plan for COVID 19 and Immediate Actions Plan of COVID Outbreak.	Services will be provided remotely where this is possible.
Emergency asset work	N/A	Essential activities undertaken where this is required to protect public safety with appropriate COVID safety plans (including PPE and social distancing).	

		<p>If lockdown restrictions are extended, outdoor workforce may resume maintenance work to ensure that the asset is not allowed to degrade as determined by the GM/CEO. COVID safety plans must be followed, and consideration should be given to discrete teams without cross over.</p>	
<p>Parks, gardens and public facilities maintenance</p>	<p>Directions for designated public facilities closed (eg, playgrounds, water fountains, outdoor gym equipment, swimming pools, community halls and facilities.)</p>	<p>Public toilets remain open. Required maintenance, inspection and cleaning staff to attend as required.</p> <p>Parks and reserves for passive, permitted recreation remain open. Required maintenance, inspection and cleaning staff to attend as required.</p>	

		<p>Essential park maintenance for safety including tree removal where necessary.</p> <p>Ovals and similar should be maintained if nominated as a nearby safe place for evacuation.</p> <p>Fuel reduction activities to be undertaken in line with state guidance.</p> <p>If lockdown restrictions are extended upkeep of parks and gardens and public assets may need to be considered where assets would otherwise degrade.</p>	
Street cleaning	N/A	Continues with appropriate use of PPE for drivers and social distancing.	
Waste management <i>(collection services, waste transfer</i>	Transfer stations closed to the public	Collection services continue.	

stations, resale/tip shops)		Transfer stations remain open for commercial contractors. If lockdown restrictions are extended, consideration will be given to rural properties without a waste collection service to access waste transfer stations for domestic waste.	
Community services	Youth centres closed	Community centres and facilities are closed, unless providing essential voluntary or public services, such as food banks or homelessness.	
Immunisation	N/A	Reschedule community immunisation clinics	Public Health guidance

<p><i>(preschool and school-age National Immunisation Program delivery)</i></p>		<p>If lockdown restrictions are extended consideration may be given to continuing public community immunisation clinics in line with the COVID safe plan including appropriate use of PPE and social distancing.</p> <p>School immunisation program delivery to be determined by Public Health directions around school attendance. Alternative modes of delivery may be required.</p>	
<p>Early childhood services <i>(childcare facilities and early learning centres)</i></p>	<p>Available to all children</p>	<p>Services open for on-site attendance for all children.</p> <p>Parents and carers are encouraged to keep their children at home, if possible and practicable.</p>	

Environmental and public health regulatory functions	N/A	Only essential face-to-face activities to be undertaken to protect the health, wellbeing and safety of the community	Public Health guidance
Local law enforcement <i>(Parking, other permits such as kerbside, abatement notices and other amenity local laws)</i>	Modified service	Enforcement of local laws where there is a high risk to the community or public assets if they were not imposed.	
Building regulation control and regulations <i>(Councils have responsibilities to enforce the Building Act and regulations within their municipal districts, including emergency</i>	N/A	Must be done remotely. Only essential activities as determined by the GM/CEO to be undertaken to protect the health, wellbeing and safety of the community and to meet legislative compliance.	

<i>powers where there is a threat to public life and safety or to property)</i>			
Planning regulation	N/A	<p>Must be done remotely except for signage associated with planning applications as required by legislation.</p> <p>All other documentation to be provided electronically.</p>	
Animal welfare <i>(animal rescue, pounds, complaint follow-up)</i>	<p>Modified service</p> <p>Pounds only open for owners to collect animals</p>	<p>Animal management officers continue to respond to significant complaints</p> <p>Pounds only open for pet owners to be reunited with pets.</p>	
Community, sport and leisure facilities	<p>Closed as per Public Health Directions</p>	<p>Essential staff to attend the facility to maintain the facility and/or facilitate emergency relief activities in concurrent</p>	

		events where it is a designated facility.	
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**Council infrastructure projects
(under active consideration)**

Closed as per Public Health
Directions, other than where the
work is urgently required to:

- ☐ Ensure the safety or security of
the construction site
- ☐ To deal with environmental risks
- ☐ To maintain and ensure the
integrity of critical plant,
equipment or assets, including
partially completed works, that
would otherwise deteriorate;
- ☐ To receive deliveries of supplies
that would otherwise deteriorate
- ☐ To maintain public utilities
- ☐ To ensure the safe operation of
existing transport infrastructure;

If lockdown restrictions are extended, there
may need to be an assessment of significant
projects undertaken in line with State
Government guidance. This advice will be
provided by Public Health and the
restrictions will depend upon the
circumstances at the time.

Council criteria for
'significant projects' to be
defined due to high costs of
non-delivery.

- ☐ In order to manage the threat of the spread of the disease
- ☐ In an emergency.

Council car parking facilities

Open to allow parking (including multi-storey car parks) for permitted workers and for people with permitted reasons to leave home.

Staff required to operate the car parks and enforce parking requirements.

Operational activities support

Various support activities to allow Essential

Operational Works to continue. Includes:

- ☐ work, health and safety staff
- ☐ maintenance and repairs to fleet undertaking essential activities

		<input type="checkbox"/> depot administration staff <input type="checkbox"/> stores for parts and PPE.	
COVID-19 Incident Management Team		Internal team to respond to issues arising from lockdown.	
Exceptional circumstances		<p>Not safe to work from home (Domestic Abuse).</p> <p>Unable to work from home as do not have internet services</p>	Confirm building density
Essential supplementary services run by councils		Where councils run an essential service, such as community post offices, these will remain open with a COVID safety plan in line with Public Health direction.	

2.0 CLEANING and SAFETY REQUIREMENTS

PARKS AND PUBLIC BUILDINGS

Waste Transfer Stations (manned) Hamilton Landfill

Camping Areas and Caravan Parks

Covid 19 2020

Cleaning and disinfection

Cleaning and disinfecting are two different processes:

Cleaning means physically removing germs, dirt and organic matter from surfaces.

Disinfecting means using chemicals to kill germs on surfaces. It's important to clean before disinfecting because organic matter and dirt can reduce the ability of disinfectants to kill germs.

A combination of cleaning and disinfection will be most effective in removing the COVID-19 virus. Cleaning reduces the soil load on the surface, allowing the disinfectant to work and kill the COVID-19 virus. Disinfectant may not kill the virus if the surface has not been cleaned with a detergent first.

Routine cleaning and Safety

Parks Play equipment and Public Toilets

Signage installed on social distancing requirements and notice that the play equipment in the parks is not sanitised.

Public toilets should be washed down to remove any dirt and sprayed with disinfectant thoroughly, this should be done on a daily basis.

Public toilets should have antiseptic hand washing detergent or sanitising stations at each location.

Social distancing signage and hand washing information should be erected at each .

Please note that a combined cleaner can be used such as a disinfectant detergent, this would mean only one cleaning would be required by a pressure back park

Bothwell Recreations Ground

The recreations ground is now open for training and sport, social distancing must be observed, as per Government requirements and posters should be displayed for this purpose.

Gathering limits and the requirement to maintain physical distancing where practical applies to all sports, exercise and recreation.

Training

Get in train and get out, no mingling

- Not more than 1-person p/2sqm
- Non-contact skills training
- Kicking, handballing, running, fitness, hand/ball skills and game education
- Can use skipping ropes, mats, other equipment as required
- Stagger training groups
- Arrive dressed to train
- Log attendance
- Briefings in advance
- Maintain social distance between activities
- No unnecessary social gatherings.

The change rooms can now be used but a Covid 19 Safety Plan for use will be required and social distancing must be observed..

Toilets can be opened and should be cleaned daily, using disinfectant.

Gathering limits and the requirement to maintain physical distancing where practical applies to all sports, exercise and recreation.

Public Buildings Halls

All public Buildings Halls open for bookings and community usage.

Bookings can be taken for special events providing that the number do not exceed the Government set gathering numbers.

If the building is required than thorough cleaning should occur to ensure safety prior to use. This would entail cleaning and wiping down of all surfaces. Floors mopped with disinfectant, all kitchen utensils plates cups etc washed in disinfectant detergent, toilets disinfected.

Posters for social distancing must be displayed.

Hand sanitiser to be used for each person entering the public building and temperature taken for each person entering the building, with signage erected relating to social distancing requirements. Signage available at Council.

A Covid 19 Safety Plan should be obtained from the organiser as to how they will manage the event or ongoing usage



**Checklist 19-8-20
Halls and centres Co**

A safety checklist may be required to be filled out prior to use. This is available at Council.

Water in taps should be run for two minutes prior to use.

A charge may be required to cover these costs.

PUBLIC Buildings

Covid 19 Safety Plans have been received for the Mens Shed Hamilton, Ouse and Ellendale Libraries. Ouse Online Access Centres. Maximum number of people for these buildings has been determined and is part of the Plans. Campdrafting Plan received for Hamilton Rec Ground. The Miena Community Centre, Freedom Health and Wellness and the Collegiate School Excursion.

Waste Transfer Stations (manned) and Hamilton Landfill

Operators of Waste Transfer Stations should have hand sanitiser and masks available for use. No helping the public with unloading and no access for those outside Council area. Social distancing must be observed. Breach of requirement should be reported to the Police.

Manned offices should be wiped down with disinfectant wipes first thing every day.

No public access to office area.

If handling waste for any reason gloves and face mask should be worn and hands sanitised after work.

Camping Areas and Caravan Parks

Camping areas at Hamilton and Dunrobbin are to open Friday 3rd June 3pm. Social distancing must be observed, public toilets at these locations have hand sanitiser installed and will be cleaned as per the cleaning schedule and signage has been erected for social distancing.

Caravan Parks at Hamilton and Bothwell are now open cleaning regime for public amenities has already been implemented, no limit of numbers but social distancing must be adhered to.

How do I clean?

Use the following steps to clean an environment:

1. Wear gloves when cleaning. Gloves should be discarded after each clean. If it is necessary to use reusable gloves, gloves should only be used for COVID-19 related cleaning and should not be used for other purposes or shared between workers.
2. Thoroughly clean surfaces using detergent and water. Always clean from the cleanest surfaces to the dirtiest surfaces. This stops the transfer of germs to cleaner surfaces and allows you to physically remove and dispose of the largest possible amount of germs.
3. If you need to use a disinfectant, clean the surface first using detergent then apply a disinfectant or use a combined detergent and disinfectant (see next section). A disinfectant will not kill germs if the surface has not been cleaned first. Apply disinfectant to surfaces using disposable paper towel or a disposable cloth. If non-disposable cloths are used, ensure they are laundered and dried before reusing.

4. Allow the disinfectant to remain on the surface for the period of time required to kill the virus (contact time) as specified by the manufacturer. If no time is specified, leave for 10 minutes.
5. All **Waste must be double bagged for disposal.**

How should I clean if someone at my workplace is suspected or confirmed to have COVID-19?

If a person who has been at your workplace is suspected or confirmed to have COVID-19, you must thoroughly clean and disinfect all areas of suspected contamination.

Clean and disinfect all areas (for example, offices, bathrooms and common areas) that were used by the suspected or confirmed case of COVID-19. Close off the affected area before cleaning and disinfection. Open outside doors and windows if possible to increase air circulation and then commence cleaning and disinfection.

- clean and disinfect hard surfaces using either: a physical clean using detergent and water followed by a clean with 1,000 ppm bleach solution (2-step clean), for example, household bleach or hospital-grade bleach solutions that are readily available from retail stores. Bleach solutions should be made fresh daily.
- a physical clean using a combined detergent and 1,000 ppm bleach solution (2-in-1 clean) made up daily from a concentrated solution (refer to the [Department of Health website](#) for more information on achieving the correct bleach solution).

Once cleaning and disinfection is complete, place disposable cloths, PPE and covers in a plastic rubbish bag, place it inside another rubbish bag (double-bagging) and dispose of the bag in the general waste.

There is no need to close down an entire workplace, while cleaning and disinfection takes place, particularly if the person infected, or suspected to be infected, has only visited parts of the workplace. However the cleaning and disinfection must occur before any workers return to affected areas.

Whether you need to suspend operations in your workplace will depend on factors such as the size of the workplace, nature of work, number of people, and suspected areas of contamination in your workplace.

Those cleaning an area of suspected contamination need to be equipped with appropriate Personal protective equipment (PPE). This includes disposable gloves and safety eyewear to protect against chemical splashes. If there is visible contamination with respiratory secretions or other body fluids in the area, the cleaning staff should also wear a disposable apron. If the person with suspected or confirmed COVID-19 is in the area to be cleaned (e.g. a hotel room), put on a surgical mask and ask the person to step outside if possible.

Clean your hands using soap and water for at least 20 seconds, or where this is not possible, hand sanitiser of with at least 60% ethanol or 70% isopropanol as the active ingredient] before putting on and after removing PPE.

Cleaning equipment including mop heads and cloths should be laundered using hot water and completely dried before re-use. Cleaning equipment such as buckets should be emptied and cleaned with a new batch of disinfectant and allowed to dry completely before re-use.

What should I use for routine cleaning?

Hard surfaces

In most circumstances, cleaning with detergent and water is sufficient.

Soft or porous surfaces

For soft or porous surfaces like fabric or leather, seek advice from the manufacturer of the item to be cleaned about which products can be safely used.

Detergent can generally be used to clean fabric surfaces. If more thorough cleaning is needed, fabric surfaces may be steam cleaned. Leather will have special cleaning requirements.

If soft or porous surfaces require regular cleaning, such as seats in offices, or in vehicles, it may be more effective to use a removable washable cover or a disposable cover and replace these as regularly as you would clean the surfaces.

What should I use to disinfect?

Hard surfaces

Disinfectants containing $\geq 70\%$ alcohol, quaternary ammonium compounds, chlorine bleach or oxygen bleach are suitable for use on hard surfaces (that is, surfaces where any spilt liquid pools, and does not soak in). These will be labelled as 'disinfectant' on the packaging.

Soft or porous surfaces

Disinfectant is not suitable on fabric surfaces as it only works with extended contact time with the surface.

Using disinfectants safely

Follow all manufacturer's instructions and read the label and the Safety Data Sheet (SDS). For information on how to read labels and SDS, see the [Safe Work Australia SDS page](#).

Do not use different types of disinfectants together.

Store your disinfectants safely and securely, out of direct sunlight and away from heat sources.

Mix your disinfectants in a well-ventilated area. Some concentrated products recommend the use of a local exhaust ventilation system.

For spraying or misting products, spray directly into the cleaning cloth to dampen the cloth for use. Take care not to generate a mist.

PPE to use when diluting and using disinfectants includes:

- gloves, elbow-length if available, and
- eye protection (safety glasses, not prescription glasses).

Disposal or cleaning of materials and PPE

Reusable, washable cloths, PPE and covers should be washed in a regular cycle wash using the warmest possible setting with normal washing detergent. Avoid shaking out the items before placing in the washing machine.

Wear disposable gloves to handle used cloths, PPE and covers. Wash your hands thoroughly with soap and water for at least 20 seconds after removing the gloves.

Regularly wash the hamper in which used PPE is stored while it is waiting to be laundered. If the hamper is not washable, use a disposable lining, and replace regularly.

Reusable, non-washable PPE such as eye protection, should be wiped clean with a detergent solution first, then wiped over with a disinfectant, and left to air dry. Smearing or residues might result, and this can be cleaned off by using more detergent solution and rinsing clean only after the disinfectant has dried.

3.0 CLEANING REGIME OFFICES AND WORKDEPOT

Covid 19

Cleaning and disinfection

Cleaning and disinfecting are two different processes:

Cleaning means physically removing germs, dirt and organic matter from surfaces.

Disinfecting means using chemicals to kill germs on surfaces. It's important to clean before disinfecting because organic matter and dirt can reduce the ability of disinfectants to kill germs.

A combination of cleaning and disinfection will be most effective in removing the COVID-19 virus. Cleaning reduces the soil load on the surface, allowing the disinfectant to work and kill the COVID-19 virus. Disinfectant may not kill the virus if the surface has not been cleaned with a detergent first.

Routine cleaning Offices – Hamilton and Bothwell

Offices should have their surfaces cleaned at least daily. Special attention should be given to frequently touched surfaces (e.g. tabletops, door handles, light switches, desks, toilets, taps, TV remotes, kitchen surfaces and cupboard handles). Ideally, once clean, surfaces should also be disinfected regularly. Alternatively, you may be able to do a 2-in-1 clean and disinfection by using a combined detergent and disinfectant.

Surfaces and fittings should be cleaned more frequently when:

- visibly soiled
- used repeatedly by a number of people, and
- after any spillage.

Dishes and Cultery should be washed in hot water with preferably a disinfectant dishwashing liquid and dried thoroughly.

Areas where the public have access example front entry area should be disinfected daily with spray or wipes. There should be hand sanitiser for each person entering the office area anyone entering the building should have their temperature taken as a precaution.

Social distancing area should be marked on the floor with a visible X

Office workers should wear disposable gloves if accepting cash money.

Eftpos machines wiped with disinfectant wipe after each use.

For routine cleaning, disinfectants are usually only necessary if a surface has been contaminated with potentially infectious material. For this reason, when and how often a workplace should undertake disinfection as part of routine cleaning will depend on the likelihood of contaminated material being present at the workplace.

Routine cleaning Works Depot

Office areas should be cleaned the same as the Hamilton and Bothwell Office. Frequently used areas such as toilets, washrooms, should be disinfected daily. No public access should be allowed to the works depot area.

Hand tools should be wiped down with disinfectant wipes before each use.

Vehicles should be wiped down inside before each use and before change of drivers or occupants.

This includes steering wheels, gear/automatic shift, any controls for equipment in the cabin, seats, door handles, radios controls, air conditioning controls, seat adjustments and centre console. Any area that is touched. **Antibacterial Hand Wipes (this includes gear shifts, two-way radios, steering wheel, seat belts, any item that could potentially harbor the virus.**

How do I clean?

Use the following steps to clean an environment:

6. Wear gloves when cleaning. Gloves should be discarded after each clean. If it is necessary to use reusable gloves, gloves should only be used for COVID-19 related cleaning and should not be used for other purposes or shared between workers. Wash reusable gloves with detergent and water after use and leave to dry. Clean hands immediately after removing gloves using soap and water or hand sanitiser.
7. Thoroughly clean surfaces using detergent and water. Always clean from the cleanest surfaces to the dirtiest surfaces. This stops the transfer of germs to cleaner surfaces and allows you to physically remove and dispose of the largest possible amount of germs.

8. If you need to use a disinfectant, clean the surface first using detergent then apply a disinfectant or use a combined detergent and disinfectant (see next section). A disinfectant will not kill germs if the surface has not been cleaned first. Apply disinfectant to surfaces using disposable paper towel or a disposable cloth. If non-disposable cloths are used, ensure they are laundered and dried before reusing.
9. Allow the disinfectant to remain on the surface for the period of time required to kill the virus (contact time) as specified by the manufacturer. If no time is specified, leave for 10 minutes.
10. All waste must be double bagged for disposal

How should I clean if someone at my workplace is suspected or confirmed to have COVID-19?

If a person who has been at your workplace is suspected or confirmed to have COVID-19, you must thoroughly clean and disinfect all areas of suspected contamination.

Clean and disinfect all areas (for example, offices, bathrooms and common areas) that were used by the suspected or confirmed case of COVID-19. Close off the affected area before cleaning and disinfection. Open outside doors and windows if possible to increase air circulation and then commence cleaning and disinfection.

- clean and disinfect hard surfaces using either: a physical clean using detergent and water followed by a clean with 1,000 ppm bleach solution (2-step clean), for example, household bleach or hospital-grade bleach solutions that are readily available from retail stores. Bleach solutions should be made fresh daily.
- a physical clean using a combined detergent and 1,000 ppm bleach solution (2-in-1 clean) made up daily from a concentrated solution (refer to the [Department of Health website](#) for more information on achieving the correct bleach solution).

Once cleaning and disinfection is complete, place disposable cloths, PPE and covers in a plastic rubbish bag, place it inside another rubbish bag (double-bagging) and dispose of the bag in the general waste.

There is no need to close down an entire workplace, while cleaning and disinfection takes place, particularly if the person infected, or suspected to be infected, has only visited parts of the workplace. However the cleaning and disinfection must occur before any workers return to affected areas.

Whether you need to suspend operations in your workplace will depend on factors such as the size of the workplace, nature of work, number of people, and suspected areas of contamination in your workplace.

Those cleaning an area of suspected contamination need to be equipped with appropriate Personal protective equipment (PPE). This includes disposable gloves and safety eyewear to protect against chemical splashes. If there is visible contamination with respiratory secretions or other body fluids in the area, the cleaning staff should also wear a disposable apron. If the person with suspected or confirmed COVID-19 is in the area to be cleaned (e.g. a hotel room), put on a surgical mask and ask the person to step outside if possible.

Clean your hands using soap and water for at least 20 seconds, or where this is not possible, hand sanitiser of with at least 60% ethanol or 70% isopropanol as the active ingredient] before putting on and after removing PPE.

Cleaning equipment including mop heads and cloths should be laundered using hot water and completely dried before re-use. Cleaning equipment such as buckets should be emptied and cleaned with a new batch of disinfectant and allowed to dry completely before re-use.

What should I use for routine cleaning?

Hard surfaces

In most circumstances, cleaning with detergent and water is sufficient.

Soft or porous surfaces

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Detergent can generally be used to clean fabric surfaces. If more thorough cleaning is needed, fabric surfaces may be steam cleaned. Leather will have special cleaning requirements.

If soft or porous surfaces require regular cleaning, such as seats in offices, or in vehicles, it may be more effective to use a removable washable cover or a disposable cover and replace these as regularly as you would clean the surfaces.

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Using disinfectants safely

Follow all manufacturer's instructions and read the label and the Safety Data Sheet (SDS). For information on how to read labels and SDS, see the [Safe Work Australia SDS page](#).

Do not use different types of disinfectants together.

Store your disinfectants safely and securely, out of direct sunlight and away from heat sources.

Mix your disinfectants in a well-ventilated area. Some concentrated products recommend the use of a local exhaust ventilation system.

For spraying or misting products, spray directly into the cleaning cloth to dampen the cloth for use. Take care not to generate a mist.

PPE to use when diluting and using disinfectants includes:

- gloves, elbow-length if available, and
- eye protection (safety glasses, not prescription glasses).

Disposal or cleaning of materials and PPE

Reusable, washable cloths, PPE and covers should be washed in a regular cycle wash using the warmest possible setting with normal washing detergent. Avoid shaking out the items before placing in the washing machine.

Wear disposable gloves to handle used cloths, PPE and covers. Wash your hands thoroughly with soap and water for at least 20 seconds after removing the gloves.

Regularly wash the hamper in which used PPE is stored while it is waiting to be laundered. If the hamper is not washable, use a disposable lining, and replace regularly.

Reusable, non-washable PPE such as eye protection, should be wiped clean with a detergent solution first, then wiped over with a disinfectant, and left to air dry. Smearing or residues might result, and this can be cleaned off by using more detergent solution and rinsing clean only after the disinfectant has dried.

DRAFT TASMANIAN WASTE CLASSIFICATION

Source Stream

Source Stream	Definition
Municipal Solid Waste (MSW)	<p>Waste produced by households or collected by, or on behalf of, a municipal council. Includes waste from:</p> <ul style="list-style-type: none"> • Street bins • Street sweeping • Litter and dumping clean ups • Aquatic litter traps • Municipal parks and gardens • Street tree pruning's • Council facility operators (consistent with ANZSIC Group 753) • Transfer stations (other than waste readily identifiable as arising from commercial operations) <p>Excludes waste:</p> <ul style="list-style-type: none"> • Collected by, or on behalf of, a municipal council from businesses • From road works undertaken by council, or on behalf of a municipal council.
Commercial & Industrial (C&I)	<p>Waste that is produced by institutions and businesses, including offices, schools, restaurants, retail and wholesale businesses, and industries such as manufacturing. Also includes waste from primary and secondary production, such as mining and minerals processing.</p> <p>Encompasses waste from all Australian and New Zealand standard industrial classification (ANZSIC) codes except Division E and Group 753.</p>
Construction and Demolition (C&D)	<p>Waste produced by demolition and building activities, including road and rail construction and maintenance and excavation of land associated with construction activities. Consistent with ANZSIC Division E)</p>

Category & Type

Code	Category	Type (Sub-Types shown as dotpoints)
1	Building and demolition	Type 2 Clean Fill (<i>bricks, masonry or paving blocks, concrete or mortar, bituminised or rubble pavement</i>)
		Other Building & Demolition Material (<i>includes Ceramics, tiles, Pottery, Plasterboard & cement sheeting etc</i>)
2	Metals	Iron and steel
		Aluminium
		Non-ferrous metals (ex. Aluminium)
		Mixed Metals
3	Organics	Food organics
		Garden organics
		Timber
		Sawdust
		Biosolids (non-contaminated) (<i>Class 1 and Class 2 Biosolids</i>)
		Biosolids (contaminated)
		FOGO (<i>mixed food organics, garden organics</i>)
		Mixed organics (<i>in residual/general waste bins</i>)
4	Paper & Cardboard	Other Organics ¹
		Cardboard
		Polymer coated paperboard
		Newsprint & magazines
		Office paper
5	Plastics	Mixed paper and cardboard
		(PET) Polyethylene terephthalate (1)
		(HDPE) High density polyethylene (2)
		(PVC) Polyvinyl chloride (3)
		(LPDE) Low density polyethylene (4)
		(PP) Polypropylene (5)
		(PS) Polystyrene (6)
		Certified compostable plastics
		Other plastics (7)
		Mixed plastics

Code	Category	Type (Sub-Types shown as dotpoints)
6	Glass	Glass from food and beverage containers
		Other glass
7	Textiles, leather & rubber (excl. tyres)	Textiles
		Leather & rubber (excl. tyres)
8	Ash	Fly Ash (<i>coal-fired boilers</i>)
		Bottom Ash (<i>coal-fired boilers</i>)
		Other Ash
9	Hazardous Waste	A100 - Waste resulting from surface treatment of metals and plastics
		A110 - Waste from heat treatment and tempering operations containing cyanides
		A130 - Cyanides (inorganic)
		B100 - Acidic solutions or acids in solid form
		C100 - Basic solutions or bases in solid form
		D100 - Metal carbonyls
		D110 - Inorganic fluorine compounds excluding calcium fluoride
		D120 - Mercury; mercury compounds
		D130 - Arsenic; arsenic compounds
		D140 - Chromium compounds (hexavalent and trivalent)
		D150 - Cadmium; cadmium compounds
		D160 - Beryllium; beryllium compounds
		D170 - Antimony; antimony compounds
		D180 - Thallium; thallium compounds
		D190 - Copper compounds
		D200 - Cobalt compounds
		D210 - Nickel compounds
		D220 - Lead; lead compounds
		D230 - Zinc compounds
		D240 - Selenium; selenium compounds
		D250 - Tellurium; tellurium compounds
		D270 - Vanadium compounds
		D290 - Barium compounds (excluding barium sulphate)
		D300 - Non toxic salts
		D310 - Boron compounds

Code	Category	Type (Sub-Types shown as dotpoints)
	<i>"Hazardous Waste continued"</i>	D330 - Inorganic sulfides
		D340 - Perchlorates
		D350 - Chlorates
		D360 - Phosphorus compounds excluding mineral phosphates
		E100 - Waste containing peroxides other than hydrogen peroxide
		E120 - Waste of an explosive nature not subject to other legislation
		F100 - Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish
		F110 - Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives
		G100 - Ethers
		G110 - Organic solvents excluding halogenated solvents
		G150 - Halogenated organic solvents
		G160 - Waste from the production, formulation and use of organic solvents
		H100 - Waste from the production, formulation and use of biocides and phytopharmaceuticals
		H110 - Organic phosphorus compounds
		H170 - Waste from manufacture, formulation and use of wood-preserving chemicals
		J100 - Waste mineral oils unfit for their original intended use
		J120 - Waste oil/water, hydrocarbons/water mixtures or emulsions
		J160 - Waste tarry residues arising from refining, distillation, and any pyrolytic treatment
		K100 - Animal effluent and residues (abattoir effluent, poultry and fish processing waste)
		K110 - Grease trap waste
		K140 - Tannery wastes (including leather dust, ash, sludges and flours)
		K190 - Wool scouring waste
		M100 - Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
		M150 - Phenols, phenol compounds including chlorophenols
		M160 - Organohalogen compounds - other than substances referred to in this list
		M170 - Polychlorinated dibenzo-furan (any congener)
		M180 - Polychlorinated dibenzo-p-dioxin (any congener)
		M220 - Isocyanate compounds

Code	Category	Type (Sub-Types shown as dotpoints)
	<i>"Hazardous Waste continued"</i>	M230 - Triethylamine catalysts for setting foundry sands
		M250 - Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials
		M270 - Per-and poly-fluoroalkyl substances (PFAS) contaminated materials, including waste PFAS containing products and contaminated containers
		N100 - Containers which are contaminated with residues of substances referred to in this list
		N120 - Soils contaminated with a controlled waste <ul style="list-style-type: none"> • Level 2, Low Level Contaminated Soil² • Level 3, Contaminated Soil² • Level 4, Contaminated Soil for Remediation²
		• Asbestos contaminated soil
		N140 - Fire debris and fire washwaters
		N150 - Fly ash excluding fly ash generated from Australian coal fired power stations
		N160 - Encapsulated, chemically-fixed, solidified or polymerised wastes (referred to in this list)
		N190 - Filter cake contaminated with residues of substances referred to in this list
		N205 - Residues from industrial waste treatment/disposal operations
		N220 - Asbestos
		N230 - Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos
		R100 - Clinical and related wastes
		R120 - Waste pharmaceuticals, drugs and medicines
		R140 - Waste from the production and preparation of pharmaceutical products
		T100 - Waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and whose effects on human health and/or the environment are not known.
		T120 - Waste from the production, formulation and use of photographic chemicals and processing materials
		T140 - Tyres
		DEADF - Waste that is derived or arises from fish that have died or been killed in the course of finfish farming
		MULTI - Multiple codes as listed above
		NOCO - Wastes which do not fit under any of the existing codes but present risks that must be managed during transport and disposal

Code	Category	Type (Sub-Types shown as dotpoints)
	"Hazardous Waste continued"	drumMUSTER Product Stewardship Paintback Product Stewardship ChemClear Product Stewardship
10	Unclassified	End of life vehicles E-waste Used lead acid batteries Fluorescent light globes/tubes Paint Nappies Mattresses Carbon fibre goods Fibreglass goods Quarantine Waste ('prohibited matter' under the Biosecurity Act 2019) Other

Exempt from Levy but still need to know tonnages

- 1 Essential oil processing, vegetable processing, animal feed processing, dairy processing, in field loss/spoilage, production loss/spoilage/expired/out of spec, stick water, uncontaminated organic residues from industry, mortalities, compostible food packaging, other
- 2 As per EPA Information Bulletin 105

ESTIMATION OF VOLUME / WEIGHT OF WASTE BY VEHICLE TYPE

Vehicle Type	Volume (m ³)	Weight (tonnes)
Single axle trailer, ute, car, or van	1	0.3
Tandem axle trailer	2	0.6
Open trucks, gross weight less than 5 tonnes	3	9
Open trucks, gross weight 5-12 tonnes	6	1.8
Open truck – 3 axles (“6 wheeler”)	10	3
Open truck – 4 axles (“8 wheeler”)	12	3.6
Open Truck – 5 axles (“Bogy Semi” or “6 wheel pig trailer”)	18	5.4
Open truck – 6 axles (“Tri-axle Semi”)	20	6
Open truck 8 axles	20	7.8
Open truck – 9 axles (“8 wheeler plus trailer”)	32	9.6
Open truck – 11 axles (“Road Train”)	40	12
Bins 2-4m ³	3	1.2
Bins 4-8m ³	6	2.4
Bins 8-12m ³	10	5
Bins 12-19m ³	15.5	6.5
Bins greater than 20m ³	20	8
Compactor trucks less than 8m ³	4	1.7
Compactor trucks 8-12m ³	10	4.25
Compactor trucks 12-18m ³	15.5	4.34
Compactor trucks 18-32m ³	25	10.6
Compactor trucks greater than 32m ³	35	14.9

COMPOSITION OF MIXED MATERIAL LOADS & COMPOSTIONS OF WASTE PRODUCTS

From Australian Standard - Appendix C

Waste	Building and demolition materials	Metals	Organics	Paper & cardboard	Plastics	Glass	Textiles, rubber & leather	Other
Batteries		85%		5%	10%			
Cables		40%			60%			
Carbon Fibre					10%			90%
Mixed domestic MSW kerbside residuals (no organics service)	4%	4%	57%	13%	15%	5%	3%	
Residuals from MRF		6%	2%	10%	10%	30%	2%	40%
Residuals from Metals Recycling Facility (shredder floc)		10%			45%		25%	20%
Domestic commingled recyclables (CDS, glass included)		3%		49%	8%	28%		11%
Fibreglass					50%	50%		
TV and Computers		56%			27%	10%		7%
Lead acid batteries		70%			10%			20%
Mattresses		45%	5%	1%	27%		20%	2%
Nappies			90%		10%			
Vehicles (light only)		80%			9%	3%	6%	2%
White goods and other large appliances		60%			20%	10%		10%

Waste Initiatives Progress Report

An update on key actions



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Summary

State Budget 2021-22

The Tasmanian Government is committed to building our circular economy and progressing important waste and resource recovery reforms. In the 2021-22 State Budget the following key commitments were made:

- \$3 million to invest with industry in the construction of a rubber crumbing plant to turn end-of-life tyres into products that can be used in the Government's Road Resurfacing Program.
- \$1 million to address the impacts of problematic single use plastics on the Tasmanian environment by phasing out single use plastics by 2025. This will include collaboration with local government and support to business.
- \$10 million for the COVID-19 Response – Circular Economy Fund. This will support strategic investments in waste management and resource recovery and support other waste initiatives and create jobs.
- \$4.5 million has been earmarked from the Circular Economy Fund to improve organic waste (including Food Organics and Garden Organics – FOGO) reprocessing capacity in Tasmania.
- \$1 million towards improving waste and resource recovery data and waste data infrastructure in Tasmania, which will help with the implementation of the waste levy and monitoring of resource recovery targets.

Current key initiatives

Over the past year or so the Government has also been working on the following important initiatives:

- Investing in the resource recovery sector through providing \$5.5 million towards the *Tasmanian Recycling Modernisation Fund (Plastics) Grants*. This funding was matched by the Australian Government with matched funding (or better) being provided by project applicants. The three successful projects will result in \$20 million being invested into plastics recycling and remanufacturing in Tasmania and generate over 50 ongoing jobs.
- Introducing a statewide waste levy. The levy will help to divert waste from landfill to more productive, innovative and valuable uses. The *Waste and Resource Recovery Bill 2021* is expected to be tabled in Parliament later this year, with collection of the levy to commence on 1 July 2022.
- Introducing a Container Refund Scheme (CRS), which will reduce litter and increase recycling of containers. The *Container Refund Scheme Bill 2021* is also expected to be tabled in Parliament later this year, with the CRS to commence in 2022.
- Strategic planning work on organic waste and waste infrastructure to inform the proposed Waste and Resource Recovery Board when it develops its first Waste Strategy.
- Ongoing work to help manage litter and illegal dumping, such as through Report Rubbish.
- Improving public awareness and education in waste management. This includes providing \$95,000 to Rethink Waste to offer a centralised source of information for communities and businesses on how to reduce waste, and what materials can be recovered/recycled, where and when.

This report provides a progress update on the key actions and other complementary policies, and outlines the further work that will be undertaken by the Government. Additional information can be found at www.dpipwe.tas.gov.au/environmental-management

Introduction

There has never been a more opportune time to tackle Tasmania's waste and resource recovery challenges. In recent years, China and other countries have changed their import regimes for recyclables and, along with a strong interest in recycling from the community and private sector within Australia, this has caused us all to re-examine what we are doing with our waste and to look at productive uses and reuses for those resources.

Australian governments at all levels have come together to respond to changing markets and expectations by reviewing the national waste policy and implementing supportive policies and legislation. This includes the new federal laws to ban the export of unprocessed plastic, glass, paper and tyre waste that were initiated by the Council of Australian Governments (COAG) in 2019. We will no longer ship this unprocessed waste overseas, but will put in place frameworks that recognise its value as a resource to create more valuable materials, new products, and new jobs.

Soon after COAG endorsed the export bans developed by Australian Environment Ministers, COVID-19 entered its first phase. Like a host of other industries, the waste and resource recovery sector was hit hard. Waste services are essential to maintain, and the sector faced additional challenges such as increases in kerbside recycling and waste, high levels of contamination in recycling (e.g. soft plastics), significant decreases in commercial recycling, and a drop in the export of recyclables. COVID-19 also helped bring a sharper focus on local and regional manufacturing capacity.

The key initiatives in the waste and resource recovery space put in place by the Tasmanian Government have positioned us well to respond to these broader international challenges and will play a key role in helping Tasmania recover from the effects of COVID-19. Our recent commitments to invest in recycling capacity for plastics, tyres and organic waste will not only create new jobs, but provide important environmental benefits and help Tasmania move towards a more circular economy.

This report shows that the Tasmanian Government is already well-advanced in implementing the critical policy and legislative actions it adopted from the 2019 *Draft Waste Action Plan*, to adapt to the changing international markets and the new export bans, and particularly to tackle the priority waste and resource recovery issues for Tasmania. It provides an update on achievements and a timetable for some of the next actions.

Action Summary

Action	Timeframe	Status
Investment in the Resource Recovery Sector		
<i>Recycling Modernisation Fund (Plastics) Grants Program (\$5.5M)</i>	Commence in 2021	On track
<i>Circular Economy Fund – Organic waste processing capacity (\$4.5M)</i>	Commence in 2021	On track
<i>Rubber crumb processing co-investment with industry to support road building and resurfacing (\$3M)</i>	Commence in 2021	On track
Container Refund Scheme		
<i>Scheme governance announced</i>	2021	Complete
<i>Container Refund Scheme Bill introduced to Parliament</i>	Late 2021	On track
<i>Scheme commencement</i>	2022	On track
Waste Levy		
<i>Waste and Resource Recovery Bill and Levy Impact Study released for consultation</i>	February 2021	Complete
<i>Waste and Resource Recovery Bill introduced to Parliament</i>	Late 2021	On track
<i>Levy readiness grants to landfill operators</i>	January 2022	On track
<i>Public awareness campaign commencement</i>	March 2022	On track
<i>Commence collection of Waste Levy</i>	1 July 2022	On track
Waste Governance and Strategy		
<i>Establishment of Waste and Resource Recovery Board</i>	Once Bill is enacted	To be commenced
<i>Tasmanian Waste Strategy</i>	Within six months of the Board being established	To be commenced
Organic Waste and Waste Infrastructure		
<i>Strategic planning for Organic Waste</i>	December 2021	On track
<i>Strategic planning for Waste Infrastructure</i>	February 2022	On track
Problematic Single Use Plastics		
<i>Review Plastic Shopping Bag Ban Act</i>	2022	To be commenced
<i>Phasing out problematic single use plastics (\$1M)</i>	2023 2025	To be commenced
<i>Phase out from public areas and state and local Government events</i>		
<i>Legislation to effect state-wide ban on problematic single use plastics</i>		

Action	Timeframe	Status
Litter and Dumping		
<i>Increasing the penalties in Litter Act 2007 to reflect the cost to the environment and community for large scale dumping</i>	2019	Completed
<i>Litter Reporting Hotline Run by EPA Tasmania for people to report having witnessed littering or dumping</i>	Established 2008	Ongoing Fines are reported in the EPA Annual Report
<i>Development of "Report Rubbish" and the Litter and Dumping Management System. Report Rubbish established for the public to report the location of dumped rubbish. Management System established for land managers to coordinate action and seek assistance from Community Corrections, where appropriate.</i>	October 2019	Completed Ongoing
<i>Undertake litter surveys using the new Australian Litter Measure methodology</i>	May and October each year	To be commenced
Waste and Resource Recovery Data		
<i>Improvement in the accuracy and level of reporting around waste and resource recovery (\$1M)</i>	2022	On track
Awareness and Education		
<i>Renew agreement with Keep Australia Beautiful (Tasmania) for \$45,000 pa</i>	July 2021	Complete
<i>Finalise Teaching Manual series with release of Grade 6 Manual</i>	June 2022	On track
<i>Development of funding agreement with Rethink Waste (\$95,000)</i>	July 2021	Complete

Investment in the Resource Recovery Sector

Building the capacity of Tasmania's resource recovery sector to process or use waste materials is central to the Government's response to Australia's waste export bans, and for addressing Tasmanian's key challenges in this space. To build reprocessing capacity for materials subject to the export bans, the Tasmanian Government is providing \$5.5 million towards the *Tasmanian Recycling Modernisation Fund (Plastics) Grants Program*. This funding was matched by the Australian Government. Matched funding (or better) is also being provided by project applicants. The three selected projects will result in \$20 million being invested into plastics recycling and remanufacturing in Tasmania. This will create an estimated 15,000 tonnes per year of new capacity to reprocess and remanufacture plastic waste into valuable products once the new and upgraded facilities are at maximum production.

Action	Timeframe	Status
<i>Recycling Modernisation Fund (Plastics) Grants Program</i>	Commence in 2021	Applications closed in February 2021. The selected projects were announced in July 2021.
<i>Circular Economy Fund – Organic waste (including FOGO) processing capacity (\$4.5M)</i>	Commence in 2021	Funding agreement with Dulverton Waste Management to support development of a state-of-the-art composting facility. Expressions of Interest to be sought in late 2021 for facility development in the south.
<i>Rubber crumb processing co-investment to support road building (\$3M)</i>	Commence in 2021	Expressions of Interest to be sought in late 2021 for facility development in Tasmania.

Container Refund Scheme

The Tasmanian Government has committed to introducing legislation for a Container Refund Scheme in 2022. Container Refund Schemes operate in approximately 40 countries around the world and all Australian states and territories now have Container Refund Schemes in place or have committed to introduce them.

The introduction of the Container Refund Scheme is an important part of the Tasmanian Government's commitment to reducing litter and increasing resource recovery and recycling. A Container Refund Scheme will also generate purer streams of recyclable materials that can have a second life as inputs to new products, helping to build a more sustainable circular economy. It will also help Tasmania achieve the goal of having the lowest rate of littering in the country by 2023.

Under the Scheme, Tasmanians will be able to receive a 10 cent refund for every empty drink container they return to a designated Refund Point for recycling. There will also be the option of donating the 10 cent refund to eligible charitable organisations or donating recyclable containers to a community group who can redeem the refund. There will also be an opportunity for organisations to elect to become a Refund Point

Operator. It is expected that there will be a range of different Refund Point types including over-the-counter refund points, large depots, and automated kiosks.

On 4 February 2021, the Tasmanian Government announced that it had adopted a 'split-responsibility' model, which will bring together all relevant sectors to deliver the best Scheme for Tasmania. The split-responsibility model (which already operates in NSW and ACT and has been announced as the Victorian Government's preferred model) involves a Scheme Coordinator who will run the administration and finance for the Scheme, while a separate Network Operator/s run the network of Refund Points.

The draft *Container Refund Scheme Bill 2021* was released for public consultation on 5 June 2021 until 9 July 2021. The public were given the option to have their say on the draft legislation via the formal submission process, as well as a short 10-question survey and free online webinars.

A total of 101 formal written submissions were received, 3,334 people completed the survey, and over 100 people participated in one of the online webinars. The feedback received during the public consultation period was overwhelmingly positive, with a few areas requiring further development and stakeholder consultation before the legislation and regulations can be finalised.

Action	Timeframe	Status
<i>Scheme governance announced</i>	2021	The Minister announced that 'split-responsibility' governance would be the preferred model on 4 February 2021
<i>Legislation for a Container Refund Scheme in Tasmania</i>	2021	Draft legislation was released for consultation in June 2021. Tabling of the Bill is anticipated in late 2021.
<i>Scheme commencement</i>	2022	Commencing requires the legislative framework to be in place before planning for the network of refund points and associated logistics can be undertaken.

Waste Levy

While the immediate focus is on the materials and wastes subject to the export ban, Tasmania also has a wide range of other waste and resource recovery matters that require attention. Waste levies help divert waste from landfill and create an incentive to find valuable reuses for that waste, which in turn helps to create new businesses and jobs. The levy will provide a funding stream to tackle the main waste challenges for Tasmania into the future, building on the significant initial investment made by the Government in the 2020-21 and 2021-22 State Budgets. Support will also be provided to the EPA to ensure there is a focus on litter and dumping compliance.

The Government intends to introduce the *Waste and Resource Recovery Bill 2021* to Parliament in late 2021 and for the legislation to be enacted before the end of the year. Collection of the Waste Levy will commence 1 July 2022, to provide adequate time for local government and businesses to prepare. The impacts on business and the community from COVID-19 have been considered in setting the initial low

rate, which will be approximately one third of the average regional waste levy rate across mainland Australia. The initial waste levy will be set at \$20 per tonne of material disposed of in landfill.

The levy will then increase to \$40 per tonne in July 2024 and \$60 in July 2026. These rates were determined after a detailed Cost Benefit Analysis by consultants, Urban EP. This staged approach to increasing the levy will allow time for businesses and local government to plan for changes and provide certainty to businesses to invest in waste reduction and resource recovery activities.

To support the transition into the waste levy system, the Government will establish a Levy Readiness Fund for relevant landfill operators, local government or other authorities to access. This will help with the costs of infrastructure and/or IT resources required to administer the levy. Guidelines for these grants will be finalised as levy activity progresses.

Action	Timeframe	Status
<i>Waste and Resource Recovery Bill and Levy Impact Study released for consultation</i>	February 2021	Consultation completed and issues raised to be addressed in finalisation of Bill
<i>Waste and Resource Recovery Bill introduced to Parliament</i>	Late 2021	Final Bill being prepared following consultation feedback
<i>Levy readiness grants to landfill operators</i>	January 2022	On track
<i>Public awareness campaign commencement</i>	March 2022	On track
<i>Waste Levy commencement</i>	1 July 2022	On track

Waste Governance and Strategy

The Waste and Resource Recovery Board and Waste Strategy

Over the past two years the Tasmanian Government has worked closely with and provided funding to the Local Government Association of Tasmania (LGAT) to explore potential governance models for waste management and resource recovery in Tasmania. This work has provided us with a comprehensive guide to the types of functions a contemporary waste governance structure should have. To ensure a contemporary governance framework for waste is in place, the Government intends to establish a Waste and Resource Recovery Board through the levy legislation.

The Board will develop strategic plans to set long term directions and will also oversee the roll-out of annual operational plans. This is expected to include the coordination and dispersal of resource recovery grants sourced from levy funds and the provision of advice to the Government on a range of waste and resource recovery matters. The Board will be accountable to the Minister and to Parliament through regular annual reporting on the implementation of its strategic plan.

The most important waste and resource recovery actions the Government is already taking will underpin the Board's first strategic plan, which will be informed by our current strategic planning work on organic waste and waste infrastructure. Funding for these strategies was provided in the 2020-21 State Budget. The Department of Primary Industries, Parks, Water and Environment will have the lead role in administering the waste levy system (collection, regulation and compliance) and local government will continue its own management and regulatory roles. The Board will play a strategic role in helping to move Tasmania towards

circular models of resource use that reduce the impact of waste on the environment while boosting the Tasmanian economy, creating jobs, and providing for a more resilient and self-sufficient Tasmania.

Waste and Resource Recovery Targets

The 2019 *Draft Waste Action Plan* for Tasmania identified the following targets for waste and resource recovery.

- Reduce waste generated in Tasmania by 5% per person by 2025 and 10% by 2030
- 50% recovery rate from all waste streams by 2025 and 80% by 2030
- Reduce the volume of organic waste sent to landfill by 25% by 2025 and 50% by 2030
- Have the lowest incidence of littering in the country by 2023

The Tasmanian Government committed to the above targets through the *National Waste Policy Action Plan 2019*. These important targets will be considered in the development of the Board's first Waste Strategy.

Action	Timeframe	Status
<i>WRR Board establishment</i>	Once Bill is enacted	Expressions of Interest for Board membership will be released as soon as possible once the Bill is passed by Parliament.
<i>Tasmanian Waste Strategy</i>	Within 6 months of the Board being established	As soon as the WRR Board is established, they will focus on developing Tasmania's first statutory waste strategy.

Organic Waste and Waste Infrastructure

Some of the lowest-hanging fruit in waste management is dealing with organic waste. Whether it is scraps from home kitchens or residues from agriculture, aquaculture or hospitality, there are numerous ways to reuse organic waste and increase its value. Taking organic waste out of our municipal waste stream would mean 30% less waste in our kerbside bins, and less organic waste in landfill also means lower greenhouse gas emissions in the form of landfill gas.

A key challenge with organics is providing a level of certainty on the location, amount, and type of organic feedstock, as well as understanding the specific infrastructure that may be required to achieve our target of 50% diversion of organic waste from landfill. Strategic planning is currently being carried out to address this lack of information. This will complement the Bioenergy Vision being developed by the Tasmanian Government, and the Agricultural White Paper, which has an objective to set up value chains for organic and agricultural waste, and other circular economies in Tasmania's agricultural sector.

In addition to understanding the infrastructure required for reusing organic waste, there is also a need to map out wider infrastructure needs around all waste streams, such as Construction and Demolition, Commercial and Industrial, and municipal waste. This will help to map out a plan for waste and resource recovery infrastructure in Tasmania for the next five to ten years. The strategic planning for both organics and waste infrastructure will inform the Waste and Resource Recovery Board's first strategic plan.



Action	Timeframe	Status
<i>Organic Waste Planning</i>	December 2021	Commenced
<i>Waste Infrastructure Planning</i>	February 2022	Consultancy underway

Problematic Single Use Plastics

There is an increasing focus on the impact plastic is having on the environment, and on the oceans in particular. While plastic can be a valuable material for many purposes, there needs to be significant improvements in the way plastic is recovered, recycled and made into new products. Key to this is ensuring that the plastics being used in products and packaging are easily recyclable. The Government supports plastic recycling efforts by the waste and resource recovery industry, such as through the work of the Australian Packaging Covenant Organisation, to constantly improve the design of the materials being used, and programs to recover that material once it's been used.

There has also been significant work across Tasmania by businesses to reduce their use of plastic. Coles Bay was the first town in Australia to stop the use of single-use plastic shopping bags, and legislation to extend this throughout Tasmania has been in place since 2013. The City of Hobart recently introduced a by-law to extend the ban of single use plastics to a range of takeaway food containers and implements. Other councils have undertaken work to phase out problematic plastics, such as some councils banning single-use plastics at events and supporting organisers to implement waste diversion strategies.

In the 2021-22 State Budget the Government provided to \$1 million and committed to working with local government to phase out the use of problematic single use plastics from Government and council facilities and events on public land by 2023. In addition, the phase-out would be extended to a legislative ban to ensure consistency with other jurisdictions in Australia.

Action	Timeframe	Status
<i>Review Plastic Shopping Bag Ban Act</i>	2022	To be commenced
<i>Phasing out problematic single use plastics (\$1M)</i>		To be commenced
<i>Phase out from public areas and state and local Government events</i>	2023	
<i>Legislation for a state-wide ban on problematic single use plastics</i>	2025	

Litter and Dumping

Litter and dumping are not only significant environmental problems; they are a major detriment to the Tasmanian brand. In 2019, EPA Tasmania established Report Rubbish to monitor illegal dumping. This program has been a success, enabling officers to monitor problematic dumping areas and notify the land managers, who are responsible for clean-up. EPA Tasmania has also operated the Litter Reporting Hotline that allows people who witness littering or dumping occurring to report it. These reports are carefully followed up, with Litter Infringement Notices issued where appropriate. In significant cases, prosecution through the Courts is considered.

Offences dealing with the dumping of rubbish were increased in 2019 to ensure that there were commensurate penalties for larger scale dumping incidents. Previously, the *Litter Act 2007* had been more focussed on domestic scale dumping of rubbish. However, there was also a need to address larger scale dumping with penalties that reflected the harm caused by such dumping, and the cost to the community when dumping needs to be cleaned up.

The need for comprehensive and accurate litter statistics to support measuring the success of the wide range of policy initiatives across the country has led to the development of a new methodology that will be rolled out in all States and Territories. The Australian Litter Measure (AusLM) will commence in 2021 and replace the former National Litter Index.

Action	Timeframe	Status
<i>Increasing the penalties in Litter Act 2007 to reflect the cost to the environment and community for large scale dumping</i>	2019	Completed
<i>Litter Reporting Hotline Run by EPA Tasmania for people to reporting having witnessed littering or dumping occur</i>	Established 2008	Ongoing
<i>Implementation of Report Rubbish and the Litter and Dumping Management System Report Rubbish established for the public to report the location dumped rubbish. Management System established for land managers to coordinate action, and seek assistance from Community Corrections where appropriate.</i>	October 2019	Completed Ongoing.
<i>Undertaken litter surveys using the new AusLM methodology</i>	May and October each year	Ongoing

Waste and Resource Recovery Data

Under the National Partnership Agreement with the Australian Government, Tasmania has agreed to improve data and reporting systems around waste and resource recovery. This will help us measure our real baseline recycling and reuse rates and to track improvements over time. This will also provide important information to government and industry on opportunities for investment in certain waste streams, or around which improved regulation may be required.

Tasmania has also been participating actively in the ongoing development of the national waste data system, which is used to underpin knowledge and understanding of waste trends across the country and support the review and revision of the National Waste Policy. The Government has committed \$1 million to improve data management arrangements hosted by EPA Tasmania to assist with the above, and to support implementation of the waste levy in the State.

Action	Timeframe	Status
<i>Improvement in the accuracy and level of reporting around waste and resource recovery</i>	2022	Work continues to improve our ability to record, manage, and report on the amount and fate of waste in Tasmania.

Awareness and Education

Reusing and recycling materials is a key part of the circular economy. While there is a general goodwill across the community to recycle, there is sometimes a lack of clarity around what can be recycled and how items can be recovered. There are various initiatives in place to enhance this.

The charity sector provides ways that items can easily be reused, the sector often runs programs to collect goods that can be reused, and this has diverted significant amounts of material away from landfill. The Government also has a long-term relationship with Keep Australia Beautiful (Tasmania) to run education and awareness campaigns, including the popular Tidy Towns awards, in which a number of Tasmanian towns have also featured prominently at the national awards.

Another key target area is the education sector. Supporting teachers with resources that focus on the Tasmanian context has led EPA Tasmania to develop a collection of Teaching Manuals¹ for Primary School aged children. Staff from EPA Tasmania also support the education sector and the wider community through information workshops and engagement.

Finally, local government has a key role in waste management at the local level, and undertakes a range of awareness and education programs. A focus for the State Government is partnering with local government to help deliver campaigns and supporting material for all Tasmanians, including a new agreement with Rethink Waste for delivering accurate and reliable information to the Tasmanian community.

¹ Teaching Manuals are available from <https://epa.tas.gov.au/sustainability/resources-for-schools/waste-education>

Action	Timeframe	Status
<i>Renew agreement with Keep Australia Beautiful (Tasmania) for \$45,000 pa funding</i>	July 2021	New three-year agreement signed in June 2021
<i>Finalise Teaching Manual series with release of Grade 6 Manual</i>	June 2022	Draft in development ahead of expert review
<i>Development of agreement with Rethink Waste</i>	July 2021	Agreement signed in June 2021 with activities to commence in August 2021



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A new Aboriginal Cultural Heritage Protection Act

Consultation Paper on High-level Policy Directions



Department of Natural Resources and Environment Tasmania

GPO Box 44 Hobart TASMANIA 7001

www.nre.tas.gov.au

March 2022

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Cover photos (clockwise from top):

Cox Bight, Southwest National Park, Photo Jillian Mundy

Shell Midden, Southwest National Park

Tasmanian Aboriginal cultural site, Southwest National Park

Letter from the Minister for Aboriginal Affairs

Tasmania's Aboriginal cultural heritage is vitally important to Tasmanian Aboriginal people and is also a central part of the heritage of all Tasmanians. It is rich and unique, stretching back over the many tens of thousands of years. It continues as a living cultural heritage under the custodianship of Tasmanian Aboriginal people and it is vital that it continue as a strong living culture into the future. It deserves to be covered by respectful, effective and modern law which promotes its significance and supports Aboriginal Tasmanians' custodianship of their heritage.

This Paper marks the beginning of the Government's action to introduce long-overdue new legislation to properly support appropriate protection and management of their heritage by Tasmania's Aboriginal people.

On 1 July last year I was pleased to table in the Parliament a report detailing the outcome of the statutory Review of the *Aboriginal Heritage Act 1975* (the [Review Report](#)) carried out on my behalf by the Department of Primary Industries, Parks, Water and Environment (now the Department of Natural Resources and Environment Tasmania – NRE Tas). With it, I tabled also the Government's response.

The Government accepted the key findings of the Review Report. The Review Report itself was based on substantial prior consultation, as well as taking into account analysis of issues and experience elsewhere in Australia. The most important aspect of the Government's response was that a new Act is needed, and we have committed to developing one as a matter of priority.

In the Tabling Report I outlined a simple two-stage consultation and engagement process would be undertaken to support the development of the new Act. This Paper sets out a high-level outline of policy directions the Government proposes to use when drafting the new Act and marks the commencement of the first part of the process.

As well as seeking written feedback on this Paper, we will also be supporting direct engagement and, where practicable, meeting people who prefer face-to-face (including virtual) discussion. These discussions will continue as feedback is considered and drafting of the new Act progresses.

The Government understands legislation on Aboriginal cultural heritage is never easy to draft or to introduce. But we are committed to continuous improvement, and to develop a framework that acknowledges and appreciates our rich and unique Aboriginal cultural heritage. This includes learning from and being part of discussions at a national level, where there is encouraging momentum and, increasingly, a convergence of approaches around the country.

There will, of course, be different views among interested parties owing to Tasmania's own circumstances. In this Paper we are clear and transparent about our favoured approaches on conflicted issues, and the Government will welcome feedback that presents clear arguments for or against the directions we propose.

Feedback will be used to guide the drafting of the new legislation, which we will release in the form of a draft exposure Bill for further consultation. My intention is to introduce new legislation as soon as possible to begin a new era in the recognition, protection and promotion of Aboriginal cultural heritage in Tasmania, with the leading role to be played by Tasmanian Aboriginal people themselves.



Roger Jaensch MP
Minister for Aboriginal Affairs

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This Consultation Paper is designed to facilitate a conversation with all interested parties – Tasmanian Aboriginal people, heritage professionals, farmers, miners, foresters, developers and the broader Tasmanian community. It puts forward the Government's proposed approaches and directions on key elements of the new legislation. On some matters the Government does not have a firm proposed policy position and we are seeking views on possible options.

Providing feedback on this Consultation Paper

Feedback can be provided either in written submissions, or at meetings, which will be recorded in agreed notes of the discussion. The intention is to conduct meetings with Tasmanian Aboriginal people and Aboriginal community organisations, as well as with interested stakeholders.

We are accepting submissions that can be made until Sunday 24 April:

- Via email to: aboriginalheritageact@nre.tas.gov.au
- Via post to: Review of the *Aboriginal Heritage Act 1975*
NRE Tasmania
GPO Box 44
Hobart TAS 7001
- By requesting a face-to-face meeting via the above email address.
- By completing an online survey – [click here](#)

Consistent with Tasmanian Government policy, all submissions will be treated as public information and published on the Department of Natural Resources and Environment Tasmania website at [Review of the Aboriginal Heritage Act 1975 | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](#).

Important information to note:

- 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.
- No personal information other than an individual's name will be published. Further information on confidentiality and the *Right to Information Act 2009* can also be found [here](#).
- 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 identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.
- Copyright in submissions remains with the author(s), not with the Tasmanian Government.
- Defamatory or offensive material will not be published.

Next steps

The outcomes of this consultation process will inform the development of a Draft Exposure Bill. While it is not possible to be certain of its release date, which will be determined by the drafting complexity of the final policy proposals, the intention is to release it for comment later in 2022, with a view to its introduction in Parliament in mid-2023.

Introduction

The *Aboriginal Heritage Act 1975* (the Act) is old and, despite some changes in 2017, generally regarded as inadequate. It has undergone several reviews since the late 1990s, all of which recommended its replacement.

This Paper takes forward the process of review and looks to the drafting and introduction of new legislation as a priority. Changes made to the Act in 2017 required the recent review to be undertaken. This saw a report on the outcome of the Review (the [Review Report](#)) tabled in the Parliament on 1 July 2021. The Review involved public consultation and targeted engagement with Tasmanian Aboriginal people, Aboriginal community organisations, and stakeholders. The Review Report is a useful published resource. It includes background information, as well as 17 findings. When tabled in Parliament, the Review Report was accompanied by a Government response (the [Tabling Report](#)).

For decades, Aboriginal cultural heritage in Tasmania has been protected and managed despite the shortcomings of the Act. What happens in Tasmania is in many ways similar to what happens in other jurisdictions. It occurs largely as a consequence of goodwill and good practice owing to the work of many Tasmanian Aboriginal people (including Aboriginal Heritage Officers, the former Tasmanian Aboriginal Land and Sea Council and the members of the Aboriginal Heritage Council), as well as those Aboriginal people and community organisations that have taken an active role in seeking to improve the ongoing protection of their heritage. Likewise, Aboriginal Heritage Tasmania (which includes staff who are also Aboriginal people) and a large number of proponents and heritage professionals, have adopted national and international good practice procedures.

While the amendments to the Act in 2017 addressed some of its most outdated and problematic aspects, it was recognised that the Act still lacked critical elements of modern legislation seen elsewhere.

This Consultation Paper puts forward the Government's proposed approaches and directions on key elements of the new legislation. Like the Review itself, this takes account of recent and proposed legislation in other jurisdictions, the principles outlined in the national policy directions paper, the 2020 [Dhawura Ngilan](#), and the accompanying Best Practice Standards.

Importantly, the recent [Pathway to Truth-Telling and Treaty](#) report stated, after its extensive and intensive consultations with Tasmanian Aboriginal people: 'The views we heard tended to reiterate those reported in the Review Report'. The Government agrees with the further comment from the authors:

Clearly, there is a need for reform of the Act to be progressed as a matter of urgency. Reform should not wait for a truth-telling or treaty process. There is also merit in proceeding immediately with the measures mentioned in the Tabling Report as interim steps independently of the introduction of the new legislation.

The Government allocated funding, in the 2021-22 State Budget, to facilitate rapid progression of the much-needed new legislation and the Department of Natural Resources and Environment Tasmania (NRE Tas) is already well underway in progressing this critical work.

Several other States are also currently reviewing their Aboriginal cultural heritage legislation.¹ While the results of those reviews will inevitably reflect the distinctive history and organisation of each jurisdiction, it seems likely that there will be more and more similarities in the fundamental underpinning principles as each

¹ In Western Australia, the *Aboriginal Cultural Heritage Act 2021* was passed in December 2021 after a three-year review process. Queensland and New South Wales are both intending in the next year or two to complete reviews that have been under way for some years.

resolves its own modern and contemporary legislation. There is also likely to be a revised approach by the Commonwealth, and possibly new national legislation. The relevant Ministers have announced a partnership with the First Nations Heritage Protection Alliance and a commitment to 'strengthen safeguards' for Aboriginal heritage².

The Government anticipates that its proposed approach for many of the key elements of new legislation is likely to be relatively uncontentious. However, it is clear, and acknowledged, that there remain important questions where views differ – sometimes sharply. These differences cannot be minimised or avoided, and care has been taken to show where other options have been proposed, so that feedback may be properly informed.

² See <https://minister.awe.gov.au/ley/media-releases/government-signs-first-alliance-partnership> of 29 November 2021.

Proposed elements of new Tasmanian legislation

The Consultation Paper outlines the Government's proposed key elements of a new Aboriginal Cultural Heritage Act. It is deliberately brief and is presented in this form so that the fundamental principles and structure of the new legislation be set out for discussion in a clear, succinct outline.

The finer technical and legal detail, which will ultimately form the new legislation, will be developed informed by feedback received in response to this Consultation Paper. An Exposure Bill, which will provide further detail, will then be developed and shared for further consultation.

The sections below are based on the key topics identified in the Government's response to the findings of the 2019-21 statutory review of the Act. The first section is largely an introduction but deals also with the issue of objectives; key matters of principle are dealt with in sections 2 to 6; and sections 7 and 8 cover mechanisms and processes.

1: A new Act with explicit purposes and objectives:

The Review has confirmed that the Act is out of date and that new legislation is required. The Government is committed to preparing new and contemporary legislation as a matter of priority.

What is proposed:

It is proposed that the new legislation would have explicit objectives that include:

- recognition of the age and significance of Tasmania's Aboriginal cultural heritage;
- recognition of Tasmania's Aboriginal cultural heritage as an enduring and living cultural heritage;
- acknowledgement that Tasmania's Aboriginal people are the custodians of their cultural heritage;
- acknowledgement of the need to give appropriate consideration to the management and protection of Tasmania's significant Aboriginal cultural heritage in broader Tasmanian Resource Management and Planning System processes; and
- encouragement of compliance through promotion of awareness about Aboriginal cultural heritage, as well as through practical procedures and very strong penalties.

It is proposed that the new Act's expanded scope would be supported by clear articulation of these points in a 'Purpose' and/or 'Objectives' section(s).

Context:

One issue that was raised in the public consultation and discussed in the Review Report related to the absence of clear statements of objective or purpose. There are examples in other legislation:

- the *Queensland Aboriginal Cultural Heritage Act 2003* has sections 4, 5 and 6 titled respectively: 'Main purpose of Act', 'Principles underlying Act's main purpose', and 'How main purpose of Act is to be achieved'; and
- the *Victorian Aboriginal Heritage Act 2006* includes 'Purposes' (s.1), 'Objectives' (s.3), and 'Principles' at the start of Part 2 (s.12);

The 2013 *Tasmanian Aboriginal Heritage Protection Bill 2013* (hereafter, 'the 2013 Bill') included a clause called 'Objects and principles of Act'. While there is some doubt about the strictly legal impact of such statements of intent or principle in terms of how specific provisions are interpreted, the Government considers that it would be appropriate to include clear indications of the intent and direction of the new legislation.

The text in the 2013 Bill was brief, and in some respects clearly inadequate. But it offers a starting place. A very slightly edited version of that text is:

The objects and principles of this Act are as follows:

- It is acknowledged that Aboriginal people are the primary custodians and knowledge holders of Aboriginal heritage.*

The objects of this Act are –

- to recognise, provide for and further the protection of Aboriginal heritage;*
- to provide for the involvement of the Aboriginal community in the management and protection of Aboriginal heritage;*
- to promote the management of Aboriginal heritage as an integral part of the State's Resource Management and Planning System;*
- to establish workable and effective procedures for the Aboriginal heritage assessment, conduct and oversight of land activities and other activities with regard to Aboriginal heritage impacts;*
- to provide appropriate sanctions and penalties to prevent harm to Aboriginal heritage;*
- to promote public awareness and understanding of Aboriginal heritage.*

It is important to note national-level processes and discussions in 2020 and 2021 which have highlighted some critical issues: the inconsistencies between Australia's multiple legislative regimes for Aboriginal cultural heritage protection; the age and questionable performance of most of them; and also the potential for a different and greater role for the Commonwealth in enforcing standards and/or acting as a more effective regulator and protector of last resort³.

The Commonwealth's final response on these issues is not yet clear, but the assumption of this Paper is that the States and Territories will continue to legislate for their own jurisdictions, and that changes at the Commonwealth level are unlikely to determine the direction of the State's new legislation, even if ultimately there may be some different or additional roles for the Commonwealth.

³ See footnote 2 above, and also the [Final Report](#) of the independent Samuel Review of the *Environment Protection and Biodiversity Conservation Act 1999*, delivered in October 2020.

2: Better definitions:

Inclusion of expanded and more appropriate definitions of Aboriginal cultural heritage in the Act is an expected change that will require strong input from Tasmanian Aboriginal people, as well as reference to examples from interstate and national law.

What is proposed:

It is proposed that the new legislation would have expanded and more appropriate definitions which include:

- removal of the term 'relic' in the definition of Aboriginal cultural heritage;
- provision for recognition and registration of intangible heritage (songs, language, stories, landscapes, customs etc);
- retention of the recognition that significance to the Aboriginal people of Tasmania is the defining characteristic of Aboriginal cultural heritage;
- retention of the exclusion of objects made, or likely to have been made, for sale; and
- potential specification of other categories of heritage (e.g. secret and sacred), on consideration of advice from Tasmania's Aboriginal people.

Context:

All the many reviews of the current legislation over the past 25 years have agreed that use of the term 'relic' is unacceptable, as it gives the impression that an object is evidence of something that no longer exists. It fails to acknowledge that the physical evidence is indicative of a long, rich, and ongoing, association of Tasmanian Aboriginal people with the Tasmanian landscape.

It remained after the 2017 amendments only because it was found that to remove it would have required extensive amendment, largely to provisions that have no practical value now anyway. But the amended definitions did go a long way towards the type of definition that now exists in modern legislation elsewhere.

The definitions prepared for the 2013 Bill – updated as appropriate, along with additional elements for any new categories of Aboriginal cultural heritage that may be identified for inclusion through consultation – are proposed as the basis for the definitions in the new Act.

The key elements of the 2013 Bill were:

[extract from s.4(1)] **Aboriginal heritage** means –

- (a) Aboriginal human remains; or
- (b) Aboriginal objects; or
- (c) Aboriginal sites; or
- (d) nominated Aboriginal heritage; [a technical inclusion – see discussion of intangible heritage below]

5. Meaning of *Aboriginal human remains*

In this Act –

Aboriginal human remains means the whole or any part of the bodily remains of an Aboriginal person, other than –

- (a) a body or bodily remains buried –
 - (i) in a cemetery, within the meaning of the Burial and Cremation Act 2002; or
 - (ii) in other land as allowed by, and in accordance with the permissions required by, section 41 of the Burial and Cremation Act 2002; or
- (b) an object made from human hair; or
- (c) an object made from bodily material, other than human hair, that is not readily recognisable as being bodily material; or
- (d) any human tissue dealt with in accordance with the Human Tissue Act 1985 or any other law of a State or a Territory or the Commonwealth relating to the medical treatment of human tissue; or
- (e) any human tissue lawfully removed from an Aboriginal person.

6. Meaning of *Aboriginal object*

(1) In this Act –

Aboriginal object means –

- (a) any object in Tasmania that –
 - (i) relates to the Aboriginal occupation of any part of Australia, whether or not the object existed before that part of Australia was occupied by persons of non-Aboriginal descent; and
 - (ii) is of significance to the Aboriginal people of Tasmania; or
- (b) any object, material or thing in Tasmania that –
 - (i) is removed or excavated from an Aboriginal site; and
 - (ii) is of significance to the Aboriginal people of Tasmania.
- (2) Despite subsection (1), 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 Aboriginal objects for the purposes of this Act.
- (3) To avoid doubt, Aboriginal human remains are not Aboriginal objects for the purposes of this Act.

7. Meaning of *Aboriginal site*

In this Act –

Aboriginal site means –

- (a) an area of Tasmania that is of significance to the Aboriginal people of Tasmania; or
- (b) unless the contrary intention appears, a part of an Aboriginal site

The 2017 amendments also included a definition of ‘Aboriginal tradition’ as part of the approach to defining ‘significance’, which is proposed to be retained:

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.

In other jurisdictions significance is generally left undefined, but this definition of tradition is long-established in various contexts. There is useful commentary in *Dhawura Ngilan* on why it is considered essential to rely on significance:

These definitions should recognise that an essential role of ICH (Indigenous Cultural Heritage) is to recognise and support the living connection between Indigenous Peoples today, our ancestors and our lands. It is crucial that definitions of ICH within legislation should recognise the role of 'tradition' as it is understood today in the definition of what is ICH. [p.25]

However, the essential aspect of the definitions provided (from NSW, Victoria and the Northern Territory)], all of which were developed in consultation with Traditional Owners, is that the central lynchpin is how Traditional Owners today perceive their cultural heritage which is the crucial issue. [p.27]

Only in Victoria is there a formal category of intangible heritage, introduced in 2016 and designed essentially to protect the intellectual property of Aboriginal people from commercial exploitation without fair return.

The Government's view is that the practical protection and management of the matters covered by the Victorian approach (which includes cultural material such as story, art and song, and which is understood not to have been actually used to date), are best left to the realm of intellectual property law that is governed by Commonwealth law. This is ultimately what *Dhawura Ngilan* concludes also (see Review Report, pp.21-22 and 34).

It is therefore proposed that the new Act would formally recognise intangible heritage as being an integral part of Tasmania's Aboriginal cultural heritage. The new Act would not specify management provisions for intangible heritage such as songs, language and stories to avoid duplication and interaction with Commonwealth intellectual property law. Recognition and management of cultural landscapes could be approached in many ways and the Government will be listening closely to all views on this matter. It is, however, considered appropriate that existing lawful access and use of land would not be impacted by future recognition of any cultural landscape.

There may be further specific categories of Aboriginal cultural heritage that ought to be defined. This would ensure proper recognition and allow for specific management provisions to be applied where appropriate. An example from some other jurisdictions is the defining of 'secret and sacred' objects, and inclusion of specific provisions regarding how such objects must be managed (this category is discussed in the next section). The new legislation may also need to include prescriptions for how each defined category is to be managed.

The Government is open to hearing from Tasmanian Aboriginal people to understand what, if any, specific categories of Aboriginal cultural heritage should be considered for inclusion.

3: Ownership:

What is proposed:

It is proposed that the new legislation would:

- acknowledge that Tasmanian Aboriginal people are the custodians of their heritage;
- remove current provisions assigning ownership of Aboriginal cultural heritage on Crown land to the Crown, and not specifically provide for any other Crown ownership of Aboriginal cultural heritage;
- prohibit the sale of Aboriginal cultural heritage;
- provide for the registration of private collections of Aboriginal cultural heritage;
- clarify rights of private land holders in relation to undertaking certain activities; and
- provide for the representative Aboriginal body (see section 4) to make decisions about repatriation of Aboriginal cultural heritage.

Context:

As discussed in the Review Report (pp.33-34), the issue of ownership is complex. Arguably it is a modern legal concept that is not always appropriate in the context of Aboriginal cultural heritage, which includes a range of possibilities far beyond the sort of portable object or defined land parcel that most easily fits into an 'ownership' approach. It is unsurprising that it has been a matter of dispute in all the reviews of Aboriginal heritage law in the past quarter-century.

This is an issue on which the Government would especially seek to understand the views of Tasmanian Aboriginal people.

The Government understands the view that all Aboriginal cultural heritage simply 'belongs to' Aboriginal people, and that this should be the basis of the law. We agree that it is fundamentally not right that any Aboriginal cultural heritage should 'belong to' anyone other than Aboriginal people. Putting this into practice is not easy, and requires some flexibility.

As a guiding principle, our approach is that 'ownership' is rarely absolute, but involves various rights to make decisions about, and dispose of, the property in question. What really matters, therefore, is who makes the decisions about what happens to the 'property' in question. In the case of Aboriginal cultural heritage, the principle should be that decisions lie with Tasmanian Aboriginal people.

In this context, the wide preference for 'custodianship' of heritage is noted. The key approach of the legislation, as envisaged, is that the rightful custodians of Aboriginal cultural heritage should be Aboriginal people. As discussed above, the Government favours a clear statement of principle along the lines that 'Aboriginal people are the primary custodians and knowledge holders of Aboriginal cultural heritage'.

At the simplest level, it is proposed that anyone possessing Aboriginal cultural heritage objects should be required to report the fact, so the heritage can be registered. Under the current Act, sale would be prohibited. In that sense, the 'ownership' rights of the possessors of such heritage are already very limited.

The long-term aim should be the possession of all such heritage by Tasmanian Aboriginal people.

It is notable that in other jurisdictions the practical expression of Aboriginal 'ownership' as normally understood – i.e. that the owners should have an immediate right of possession and of management of the material at their absolute discretion – is confined to the categories of 'secret and sacred' heritage, or 'ancestral remains'.

In relation to ancestral remains, the approach taken in Victoria may be considered and adapted for Tasmanian law relating to human remains, coronial responsibility and so on. The current procedures in Tasmania are in practice unlikely to be changed greatly. The key is that Aboriginal people should always be the ultimate decision makers on the disposition of ancestral remains. 'Ownership' is, in this context, an appropriate term.

The difficulties around secret and sacred objects in Tasmania arise from the island's devastating history of dispossession and the loss of the Tasmanian First Peoples' own law. It is therefore difficult to know how much of the necessary knowledge has survived to support the identification and values of secret and sacred heritage, but there is no doubt that Tasmanian Aboriginal people consider some heritage in this light. Subject to their advice and inclusion of this category in the new legislation, the Government would support applying ownership to such heritage.

In relation to other heritage, however, Tasmania faces the same issues that prevent other jurisdictions from applying a simple ownership model. This is because it is not straightforward to separate ownership of heritage from private ownership of the land on or under which it is generally found. What would be made clear in new legislation, though, would be that the owner of the land is not the owner of Aboriginal cultural heritage associated with that land, and any Aboriginal cultural heritage associated with the land must be managed in accordance with the general provisions in the Act for protecting and managing Aboriginal cultural heritage.

The Government therefore considers that the model pursued in past reform processes remains appropriate still: that is, to address the rights of the landowner by providing assurance of continuing lawful use of their land, subject to their not harming the heritage.

This approach was introduced in Queensland with a simple formulation that was picked up also by Victoria, so has applied unchanged in those two jurisdictions since 2002 and 2006 respectively. It was also in the 2013 Bill.

Tasmania's current legislation assigns ownership of Aboriginal cultural heritage on Crown land to the Crown. The intention is to omit such a provision from the new legislation, and instead recognise Aboriginal people as the custodians of their heritage, and ensure Tasmanian Aboriginal people play the lead role in making decisions about how their heritage is managed (see following sections 4 and 5).

The *Pathway to Truth-Telling and Treaty* report confirmed the widespread concern about providing properly for repatriation within the State (international issues being the responsibility of the Commonwealth). The Government agrees that, without unnecessarily increasing the complexity of the legislation, it should facilitate repatriation.

The issue is often in practice related to the role of museums. As a general rule, it is proposed that decisions would be made by the proposed Aboriginal representative body (see following section 4), except when the heritage in question has come from land that is now Aboriginal land, as defined in the Aboriginal Lands Act. In that case the owner of that land would be the relevant decision-making body.

4: The representation of Aboriginal people and interests:

What is proposed:

It is proposed that the new legislation would:

- establish and recognise a statutory Aboriginal representative body that would have decision making powers;
- set out processes for nomination and appointment of members of the representative body; and
- set out requirements for membership – skills, gender balance, regional representation.

Context:

The Tabling Report noted that, while there were some important differences of view, most input and precedent favoured the continued existence of a single Aboriginal body to represent the interests of Tasmanian Aboriginal people, with clear and broad responsibilities and decision-making powers in the management of Aboriginal cultural heritage.

The Review confirmed that there are a number of alternative views held among Tasmanian Aboriginal people:

- that the single body should be the ALCT, which is independent and already set up to hold property on behalf of all Aboriginal people; as such it would be the natural body to exercise ownership rights over heritage on their behalf;
- that representation should be decentralised, with advice given and decisions made by local or regional Aboriginal community organisations, representing the people most invested in the heritage of their own Country; and
- that the single body should be like the current Aboriginal Heritage Council (AHC), but with strengthened prescriptions for eligibility and skills of members, and equitable geographic and gender representation.

These differing views largely mirror key differences, in relation to identity and land issues, that have been described at length in the *Pathway to Truth-Telling and Treaty* report.

On balance, the Government continues to believe that in Tasmanian conditions a single body, such as the current AHC, is the best means of ensuring fair representation of Tasmanian Aboriginal people for the purpose of managing their own heritage.

This would not preclude the appointment of sub-committees or expert advisory groups, and the single representative body (which is referred to hereafter as ‘the strengthened AHC’) should have considerable discretion to organise itself and its workload.

Various other issues have been raised, both through the Review process and more recently in the *Pathway to Truth-Telling and Treaty* report consultations. The key issue of decision making is addressed in the next section (Section 5 – Who makes decisions on Aboriginal cultural heritage). Apart from that, there are three main areas of concern.

1. Appointment of the strengthened AHC:

The current AHC comprises up to 10 members, all of whom are Aboriginal people. They have a three-year term and are appointed by the Governor. The terms are staggered to allow continuity, and members are appointed after an expression of interest process.

The current process is not legislated. The Government proposes to include more detail in the Act, such as clear criteria and procedures, so that the process is more transparent and accountable. However, the Government does not have a fixed view on how prospective members should be nominated, or how decisions are to be made regarding appointment of new members.

It is possible to maintain the process essentially as it is now, with an open call for expressions of interest, the Minister making recommendations on new members, and the Governor making the appointments. Other options include:

- requirement for nominations to come from Aboriginal organisations; decisions on new (rolling) membership by the full AHC itself;
- or decisions via an election process, assumed to be similar to that currently in place for the ALCT (or as reformed in the future).

The intention would be to build on the existing AHC model to strengthen it.

2. Role of the strengthened AHC:

There is general agreement that the strengthened AHC could and should have a broader role (see Review Report, pp.26-27). The AHC does in fact already undertake a range of activities, but there is an opportunity to set out in the Act the scope of its role, to put it at the centre of the Aboriginal cultural heritage protection system.

3. Capability and resourcing:

A related issue is the question of supporting the strengthened AHC to develop further the skills that members bring, individually and collectively. This is not a directly legislative issue, and the details are for consideration in the Budget context. However, the Government acknowledges that it would be wrong to establish a body with wide-ranging obligations, and not resource it adequately to fulfil its functions.

5: Who makes decisions on Aboriginal cultural heritage:

What is proposed:

It is proposed that the new legislation would:

- establish principles of early and proactive consideration of Aboriginal cultural heritage with a primary focus on avoiding impacts;
- establish a system whereby a strengthened Aboriginal Heritage Council (AHC) would make decisions about authorisations for unavoidable interference or destruction in relation to management of Aboriginal cultural heritage in as many circumstances as practically possible (including by issuing permits);
- provide that complex matters are managed through Aboriginal Cultural Heritage Management Plans where the pathway to approval is agreement between the proponent and the strengthened AHC; and
- provide a pathway of last resort for the Minister to propose a resolution where a proponent and the strengthened AHC are unable to reach agreement on an Aboriginal Cultural Heritage Management Plan for a proposed activity, after exhausting good faith efforts to reach agreement.

Note that this issue overlaps with section 7, which deals with management mechanisms, where further relevant detail may be found.

Context:

The Government has always acknowledged that this is the most difficult issue faced by the reform process.

As the Review outlined (pp.28-29), positions on this issue range from complete decision making by Tasmanian Aboriginal people to continued decision making only by the Minister or the Director of National Parks and Wildlife, with many variations between. The consultations for the *Pathway to Truth-Telling and Treaty* report confirmed widespread concern among Tasmanian Aboriginal people that a lack of final decision making power was contributing to the gradual erosion of Aboriginal cultural heritage in the State.

The issue has recently been widely discussed at the national level (Review Report, pp.15-16 and above, pp.5-7) and the debates are ongoing. The publication of the final report ('A Way Forward') of the Juukan Gorge Inquiry in October 2021, and debate around the new Western Australian *Aboriginal Cultural Heritage Act 2021* that passed in December 2021, attest to the broad interest in the issues.

It is noted that increasingly the reference point for discussion is the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), endorsed by Australia in 2009, which is a core element of *Dhawura Ngilan*. It is not legally binding but has considerable moral force. The Declaration relies heavily on the concept of 'Free, Prior and Informed Consent' (FPIC). Many consider the absence of FPIC in any instance to indicate a failed process and argue that FPIC implies 'the right to say no' to proposals that could harm heritage.

The Tasmanian Government is committed to ensuring that Aboriginal people have a central role in deciding how Aboriginal cultural heritage is to be managed in Tasmania. The intention is to pursue a model by which, whenever practically possible, decision making should lie with the strengthened AHC: for example, on what constitutes Aboriginal cultural heritage; the registration of intangible cultural heritage; repatriation processes; the granting of permits for activities with a low risk of harming Aboriginal cultural heritage; and the approval of Aboriginal Cultural Heritage Management Plans for activities that pose a higher risk and/or raise complex issues around the avoidance or mitigation of harm (these mechanisms are discussed further in section 7).

It is also envisaged that the AHC will play a central role in the creation of Aboriginal Cultural Heritage Protected Areas.

However, the fundamental aim of the new approach is to shift the focus from being about decisions concerning authorisations of disturbance or destruction of heritage, towards early consideration of Aboriginal cultural heritage in all relevant planning processes so that impacts on Aboriginal cultural heritage can be avoided wherever possible.

This approach would mean that Aboriginal cultural heritage would always be a consideration when changes of land use are contemplated. (There is more information about early consideration mechanisms in Section 6.)

In cases where it is clear that specific decisions need to be made to avoid or minimise and mitigate any harm, the intent of the proposed processes is to encourage the reaching of agreement. However, there may be occasions when the project proponents and the strengthened AHC cannot reach agreement on an Aboriginal Cultural Heritage Management Plan.

The Government remains convinced that in these difficult, but hopefully rare circumstances, there should be a legitimate role for the elected Minister to undertake an independent assessment and propose a resolution.

It is important to recognise that the Minister may have means of assisting beyond simply encouraging development of a workable management plan, including the potential to provide grant funding to assist protection or management of heritage, or to facilitate progress through other approval processes.

The proposal is for the new Act to ensure that the circumstances under which the Minister is required to become involved in relation to management of Aboriginal cultural heritage be limited and defined by specified criteria. Seeking agreement with the strengthened AHC should be the primary and first pathway. As in relevant legislation elsewhere and the 2013 Bill, a proponent would be obliged to make all reasonable efforts to reach agreement. A mandatory mediation approach to first seek a resolution to any impasse is proposed as a first step, rather than defaulting to seeking a resolution the Minister.

It is expected that certain matters would be prescribed if the Minister is required to be involved. These would likely include:

- the requirement that any approved plan avoids harm wherever possible, and mitigate it to the greatest extent possible if harm is unavoidable;
- requirements for advice to be considered (from the strengthened AHC always, and as appropriate from others such as Local Government planners);
- requirements for certain matters to be considered (such as social, economic and environmental aspects, which might include possible benefits or deficits in terms of public health, public infrastructure, transport and housing needs);
- a requirement for a detailed and published statement of reasons; and
- application of appeal provisions.

In short, the overarching intent in the new Act would be to incentivise proponents to identify, plan for, and protect Aboriginal cultural heritage.

The Government is open to hearing how and when the Minister should and should not be involved, and how accountability and transparency can be assured.

6: Alignment with the State's planning and development system:

What is proposed:

It is proposed that the new legislation would:

- require persons making decisions, or providing advice under the Act to take into account the objectives of the State's Resource Management and Planning System (RMPS);
- establish statutory assessment and approval processes and timeframes which align, where practical, with other RMPS legislation – particularly the *Land Use Planning and Approvals Act 1993*;
- encourage, and where appropriate require, early consideration of Aboriginal cultural heritage in planning and development processes, with the intention of identifying, avoiding and proactively managing potential impacts; and
- retain provisions for statutory guidelines which may adopt standards, rules, codes and guidelines – particularly in the forestry and mining sectors.

Context:

Most of the Tasmanian legislation that regulates activity affecting the natural and cultural environment is part of the RMPS. The relationship of the new Act with the RMPS would be significant for what it says about the place of Aboriginal cultural heritage in relation to how decisions are made about land use in the State.

The objectives of the RMPS have been in place for nearly 30 years and their integrated approach, and requirement to consider all aspects of an issue, are principles that are well understood. It is the Government's view that Aboriginal cultural heritage should also be included. It should not be siloed and potentially ignored, nor should decisions about Aboriginal cultural heritage be made in isolation from all other considerations. Importantly, the *Historic Cultural Heritage Act 1995* is already included in the RMPS.

It is acknowledged that the Aboriginal Heritage Council already, in practice, takes into account broader social, economic and environmental considerations when it provides its advice to the Minister, as do the Director of Parks and Wildlife and the Minister when performing their respective statutory functions under the current Act. It is proposed that this would be made a requirement for all decisions made under the new legislation.

A very clear message in the review was that local government and developers have a strong desire for more certainty of process (as well as better protection of Aboriginal cultural heritage) by better aligning Aboriginal cultural heritage law with other legislation under the RMPS. In this regard, it is proposed that new legislation would specify clear processes and timeframes for assessment and approval activities undertaken under the Act.

There is consensus that it is vital that consideration of Aboriginal cultural heritage occurs early in planning or approval processes under the RMPS. This is envisaged to be achieved through a combination of non-statutory and statutory mechanisms.

At the moment, there is no connection or linkage between the Aboriginal Heritage Act and the RMPS, with the exception of integrated assessments for major projects. Processes under the Aboriginal Heritage Act predominantly operate independently and, because they are not referenced in normal planning processes, are often either ignored or activated late.

The inclusion of new mechanisms to ensure the consideration of Aboriginal cultural heritage in planning processes has already been committed to by the Government (see Tabling Report, p.4), and the *Pathway to Truth-Telling and Treaty* report states:

There is also merit in proceeding immediately with the measures mentioned in the Tabling Report as interim steps independently of the introduction of the new legislation. (p.88)

Non-statutory processes and mechanisms:

The measures include improvements to the existing 'Dial Before You Dig' service that alerts people to the known presence of Aboriginal cultural heritage, and two new initiatives:

- PlanBuild Tasmania - a new portal for guiding proponents through requirements for the preparation of a variety of applications for development, which incorporates criteria that, if triggered, would alert a proponent to the need to consider Aboriginal cultural heritage; and
- enhanced LIST property search functionality that would alert people doing due diligence on properties prior to purchase (e.g. conveyance lawyers) to known presence of Aboriginal cultural heritage on or in the immediate vicinity of the property being investigated.

Statutory provisions in the new Aboriginal cultural heritage legislation:

The intention is to have formal, but 'light-touch' integration into the RMPS, and with LUPAA in particular. The 2013 Bill provided for a model of 'full integration' with LUPAA similar to that currently provided for European heritage under the *Historic Cultural Heritage Act 1995*. However, full integration of the process is not considered feasible at this point due to a number of complexities that differ to the consideration and management of European heritage.

It is therefore proposed that the new Act require that anyone seeking approval to undertake certain activities (such as an activity requiring a planning permit and that includes a threshold level of ground disturbance) must first undertake a search of the statutory Aboriginal Cultural Heritage Register.

Such a requirement could be strengthened with the addition of a requirement under LUPAA that relevant planning permit applications must be accompanied by evidence (e.g. an Aboriginal Cultural Heritage Property Search certificate) that the required search had been undertaken. It is also proposed that any activity that is of a certain scale or degree of risk to heritage would require a mandatory Aboriginal Cultural Heritage Management Plan to be completed and approved prior to the activity commencing (see section 7 below).

Unlike RMPS legislation, in which the important principle of independent appeal mechanisms is integral, the Aboriginal Heritage Act also has no review provisions. It is intended that appeal/review provisions would be included; they are described further in section 7 below.

Certainty of statutory process:

A crucial failing of the current arrangements is the lack of process specified in the Act. In practical terms, Aboriginal Heritage Tasmania has made great efforts to create procedures and deliver outcomes to meet target deadlines, and so on. Currently they have no basis in law and are thus completely unlike the processes that people have to comply with in other legislation.

The Government therefore proposes to ensure the new legislation includes transparent processes and timelines that align as far as practicable with those in other RMPS Acts, around matters such as:

- applications – for authorisations (permits, management plans, etc), registration of intangible heritage;
- timelines – for the completion of assessments and authorisations, and registrations;
- assurance that permits are not subject to retrospective modification if new processes come into operation; and
- appeal/review rights (see section 7 below).

In addition, it is proposed to retain provisions in the current Act that provide for the adoption of standards, rules, codes and guidelines where appropriate. Three such documents have been adopted under the current Act:

- the Aboriginal Heritage Standards and Procedures;
- the Procedures for Managing Aboriginal Cultural Heritage When Preparing Forest Practices Plans; and
- the Mineral Exploration Code of Practice.

It is proposed that the new Act would recognise early consideration of Aboriginal cultural heritage for some activity types (such as certain forestry and mining activities), in accordance with processes detailed in adopted codes etc, as constituting appropriate due diligence for managing potential impacts on Aboriginal cultural heritage.

The principle of a 'level playing field' is proposed to apply however, and it is expected that some activity types (such as a road or a quarry) would be considered the same way whether they are part of a forestry, mining, or other land use activity.

Other opportunities for integration with planning and other approval systems:

There are also several relevant initiatives in the sphere of planning reform. First, the preparation of the Tasmanian Planning Policies (TPPs) will set the high-level policy framework for the Tasmanian planning system, particularly shaping strategic land use planning.

This provides the opportunity to set measures for requiring early consideration of potential Aboriginal cultural heritage impacts in the highest (State and regional) level of strategic planning through the three Regional Land Use Strategies. This will trigger the consideration of Aboriginal cultural heritage at the rezoning stage, which provides the ideal time to ensure that uses and values are aligned, and Aboriginal cultural heritage needs to be considered in that critical phase.

The making of the TPPs will trigger a comprehensive review of the current Regional Land Use Strategies. The current Regional Land Use Strategies already recognise Aboriginal cultural heritage values, but the establishing of the TPPs will deliver a state-wide consistent approach to recognising these values.

Finally, the Government is also reviewing two important non-statutory processes for public land – the Reserve Activity Assessment, and the Expressions of Interest for Tourism Opportunities on National Parks, Reserves and Crown Lands. Among the aims of those reviews is to ensure that consideration of Aboriginal cultural heritage – including cultural landscapes, and appropriate consultation with Tasmanian Aboriginal people – are prominent requirements in the very early stages of developing and assessing proposals.

7: Modern management mechanisms:

What is proposed:

It is proposed that the new legislation would:

- provide for Aboriginal Cultural Heritage Management Plans (both voluntary and mandatory) for high-risk/high-impact projects, as in other modern legislation, with the normal process being for finalisation by agreement between the proponent and the strengthened AHC, and (see section 5 above) going to the Minister only if agreement cannot be reached;
- provide for development projects of lesser scale or complexity to be subject to a streamlined assessment and approval process for permits, approved by the strengthened AHC, triggered by the known presence of Aboriginal cultural heritage;
- provide for a system of voluntary Aboriginal cultural heritage agreements to provide for flexible management and protection arrangements (e.g. especially useful for farmers and other owners of land containing Aboriginal cultural heritage values);
- establish a statutory Aboriginal Cultural Heritage Register to record and support management of Aboriginal cultural heritage records and statutory processes;
- introduce modernised provisions enabling the creation of Aboriginal Cultural Heritage Protected Areas for areas requiring the strongest protection, with appropriate management provisions;
- provide for a range of appeal processes, to ensure the Act is administered reasonably and fairly; and
- subject to advice from Tasmanian Aboriginal people, recognise additional categories of Aboriginal cultural heritage and include special management provisions.

Context:

As already indicated, the expectation is that much of the content of the new Act would consist of provisions that are increasingly standard across jurisdictions, and that will clarify and modernise the practical application of the legislation.

Management tools:

The range of these tools is particularly well established, and the 2013 Bill already included those raised during the review process and discussed in section 3.8 of the Review Report.

As discussed in section 5 on decision making, the system of authorisations would be divided between permits and Aboriginal Cultural Heritage Management Plans. Permits would be required to undertake a range of low-impact activities (including non-development ones such as taking heritage out of the State), where extensive preliminary investigation and ongoing management is not required.

The intention is that these be issued by the strengthened AHC, with streamlined processes and delegations to ensure timely decisions. Low impact activities would be identified as activities that are of a scale and nature that mean they present a low risk to Aboriginal cultural heritage values.

Aboriginal Cultural Heritage Management Plans would be required where the potential risk to Aboriginal cultural heritage is known or likely to be significant, and would require assessment of impacts and the development of appropriate management provisions. They would be mandatory if certain scale and activity type triggers were activated. Aboriginal Cultural Heritage Management Plans could also be voluntary, as in other States, in circumstances where no formal trigger applies, but where it is reasonable to expect complex Aboriginal cultural heritage issues, and wise to address them pro-actively.

Proponents and the strengthened AHC would be required to seek an agreed plan that should avoid harm if possible; and minimise or mitigate harm if avoidance is not possible. They would contain all the conditions and/or authorise all the measures necessary to provide the required protection.

Provision for voluntary Aboriginal cultural heritage agreements would be included, to facilitate the long-term protection and management of heritage that, for instance, exists on land that is unlikely to be disturbed, but where ongoing management and access are necessary. These would be particularly useful for farmers or for infrastructure operators.

A potentially critical element in the long term is the ability to create Aboriginal Cultural Heritage Protected Areas. Other jurisdictions have this capacity, and it allows for permanent protection and the establishment of considered management provisions of areas that demonstrably warrant the highest form of protection, backed up with very high deterrent penalties. An appropriately careful and transparent process, with appeal rights, would be established for creating and declaring such areas. It is envisaged that the strengthened Aboriginal Heritage Council would play a central role in this process.

As discussed in Section 2 – Better definitions, the Government is open to hearing from Tasmania's Aboriginal people in relation to the need to recognise special classes of Aboriginal cultural heritage. In the event that a special class of heritage is defined and recognised, it may also be necessary or beneficial to further specify in the Act how a particular class of heritage is to be managed.

A critical component to underpin the whole system would be the statutory register. Preliminary work is already underway on scoping the basic technical architecture for such a register, but it is essential that policy aspects should be provided for in the Act. Key features would include having scope to include all forms of heritage covered by the Act, 'need to know' access provisions, and the ability to preserve confidentiality of sensitive heritage.

Appeal processes:

All modern Aboriginal cultural heritage legislation includes some form of appeal process to an independent forum. Appeals would be part of the new legislation, as would mediation or alternative dispute resolution, which is also a feature of other recent legislation. The proposal is similar, but not identical, to that of the 2013 Bill, and comment is welcomed.

It would be explicit that no appeal could dispute or vary an assessment by the strengthened AHC of the heritage significance of any Aboriginal cultural heritage.

Before any formal appeal relating to an Aboriginal Cultural Heritage Management Plan, either party to the dispute may refer it to the Planning and Resource Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) for mediation (and this would be strongly encouraged).

On matters that relate to management of Aboriginal cultural heritage in land use planning (i.e. Aboriginal Cultural Heritage Management Plans or development-related Aboriginal cultural heritage permits), appeal would be to TASCAT. It is possible to limit the scope of the appeal determination, but the Government is open to suggestions on any appropriate and effective limitation.

On other matters that the strengthened AHC may decide, which do not involve land use, appeal would be to the Magistrates Court (Administrative Appeals Division). The Court rules on both facts and law. Again, it would be open for the new Act to limit the scope of the Court in its appellate role.

8: Compliance and enforcement:

What is proposed:

It is proposed that new legislation would:

- retain the current level of penalties for disturbing or damaging Aboriginal cultural heritage, as well as a range of proportionate penalties for administrative offences that do not directly harm heritage;
- include 'stop work' and 'vacate site' provisions with clearly defined criteria for when and how they may be used, and how long they may remain in force; and
- include provisions enabling the issue of infringement notices and remediation orders with clearly defined criteria for when and how they may be used, and what types of conditions they may contain.

Context:

In terms of compliance and enforcement, the current Act does now provide for maximum penalties that most regard as adequate – they are above or close to the level of penalties in other jurisdictions, and the maximum penalties are equal to those for harming historic heritage.

In addition, like modern legislation elsewhere, there would be provision for protective 'stop orders' to prevent avoidable harm to heritage, and subject to stringent penalties. There would be safeguards against their unreasonable use, including strict time limits and appeal rights for proponents.

Other matters to be addressed, outlined in section 3.9 of the Review Report, include provision for remediation orders, infringement notices, and for a more inclusive enforcement system with potential for Aboriginal rangers – e.g., through the Working on Country Aboriginal trainee ranger program in the Parks and Wildlife Service.

Approved Aboriginal Cultural Heritage Management Plans would become statutory instruments and provisions in these plans would become legal requirements under the new Act.

Note that the new Act would include many other more technical matters, such as: transitional provisions (e.g., covering the continuation of authorities issued and processes begun under the current Act); the powers of authorised officers, etc; how notice is to be given; and what (if any) matters are to be dealt with in Regulations. These details will all be available for examination and comment when the draft exposure Bill is issued.





CENTRAL HIGHLANDS COUNCIL COMMUNITY DONATIONS PROGRAM APPLICATION FORM

Please ensure you have read and understand the Program Guidelines prior to completing this form.

1. APPLICANT DETAILS

Applicant's Name : Campdrafting Tasmania

Contact Details
Residential Address: 4031 Highland Lakes rd
Bothwell Tas 7030

Phone: (Business hours)

Mobile: 0488 377094

Fax:

Email: cleaandkasey2014@gmail.com

Signature

[Handwritten Signature]

Amount Applied for \$...300
(Maximum as per Guidelines)

2. INTERSTATE OR INTERNATIONAL REPRESENTATION

Where are you competing/attending? powranha Campdraft Grounds.

What sport/activity are you competing in, and at what level? Campdrafting
State level

If you are a sports competitor, are you competing as an amateur?

What dates are you competing/participating?

October to April

Please provide details to support your application

Campdrafting Tasmania will hold their State Finals on the 9/10th April 2022 at Pauranna. Our Campdrafts are held between Pauranna and Hamilton grounds every season. The Central Highlands Council has been one of our sponsors for the last two years and has contributed greatly to our finals and awards Dinner.

3. MEDICAL ASSISTANCE

What type of medical/rehabilitation treatment will you be receiving?

Where will the treatment be administered?

Please provide any additional information to support your request.

The donation from the council goes to awards and prizes for our finals Dinner held at the Great Lake Hotel. in May.

Call for Submission of Motions
Councils are invited to submit motions for debate
to be Included at General Meetings

Name of Council :

Contact person (name, title)

Phone: Email:.....

Date of General Meeting for Motion to be Included.....

Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- ☐ Addresses the objectives of the Association¹.
- ☐ Concerns a local government matter.
- ☐ Is a matter of common concern to councils and not a specific local issue.
- ☐ Is linked to LGAT's current Annual Plan, available [here](#)
- ☐ It not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- ☐ Has not been considered at a General Meeting in the 12 months prior.
- ☐ Relates to existing, or sought activities/policy of the Tasmanian Government and would benefit from members understanding the Tasmanian Government position prior to considering².

LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.

Please attach –

The proposed Motion, which should clearly articulate the action required of LGAT or the policy position being sought from the sector.

The attachment should also include additional background comments to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to admin@lgat.tas.gov.au

¹ The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

Details of Motion

Motion Title

Decision Sought

Background Comment

Domain Athletics Centre
GPO Box 2051
Hobart TAS 7001
Phone – (03) 6234 9551
Email – info@tasathletics.org.au

February 28, 2022

To Whom It May Concern,

I am writing to confirm that Cooper Smythe has been selected as a member of the State Team to represent Tasmania at the 2022 Australian Track and Field Championships, to be held in Sydney from 26 March – 3 April, 2022.

Please accept this letter as official confirmation of Cooper's inclusion in the Tasmanian Athletics Team. Do not hesitate to contact the Athletics Tasmania office using the details above if you require any further information.

Yours sincerely,

Yvette Edward
State Team Manager - Athletics Tasmania

Please ensure you have read and understand the Program Guidelines prior to completing this form.

1. APPLICANT DETAILS Applicant's Name : <i>Cooper Smythe</i> Contact Details Residential Address: <i>1264 Ellendale Rd Ellendale TAS 7140</i> Phone: (Business hours) Mobile: <i>0410 393236 - Jodie (Mother)</i> Fax: Email: <i>jodieo80@gmail.com</i> Signature <i>Jodyne</i> Amount Applied for \$..... (Maximum as per Guidelines)	2. INTERSTATE OR INTERNATIONAL REPRESENTATION Where are you competing/attending? <i>Sydney Olympic Stadium</i> What sport/activity are you competing in, and at what level? <i>Athletics - National U16 200m Hurdles</i> If you are a sports competitor, are you competing as an amateur? <i>yes</i> What dates are you competing/participating? <i>7-7th 2-4th 2008</i>
---	--

Cooper is a talented athlete, who deserves this opportunity to represent his state. He is from a large, low income family, who would welcome & appreciate the support provided by the scholarship. I fully support Cooper + his inquiry in this application.

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Applicant has Health Care Card: (Please circle)

☒ Yes

/ No

Principal's signature:

G. Graham

Principal's name:

Liz Graham

Date:

23/2/22

Principal's contact phone number:

62861301

TASMANIA

BIOSECURITY REGULATIONS 2022 STATUTORY RULES 2022, No.

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

BIOSECURITY REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Biosecurity Act 2019*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Biosecurity Regulations 2022*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

(1) In these regulations –

Act means the *Biosecurity Act 2019*;

animal fitting includes –

- (a) any box, stall, cage, enclosure, tank, pen, hive, water, or other thing, that has been used for containing an animal; and
- (b) any harness, saddlery, rope, net, aquarium pump, bucket, trough, bedding, utensil, implement, equipment, or other thing, that has been used in the transportation, capture, breeding, feeding, handling or keeping of an animal, or animal product;

animal food business means a business, enterprise or activity that consists, in whole or in part, of the commercial manufacturing, production or wholesale supply of animal food;

artificial breeding of an animal means –

- (a) the artificial insemination of an animal; and
- (b) the implantation of an embryo in a recipient animal; and
- (c) the collection, processing, handling, storing, sale or distribution of semen, ova or embryos for a purpose specified in paragraph (a) or (b);

bag includes a box or other form of packaging;

commercially sterile, in relation to animal food, means animal food that is free from any living organisms that are capable of growing in, or on, the animal food in the conditions to which the animal food is likely to be subjected during its storage and distribution;

declared disease – see regulation 4;

declared pest – see regulation 4;

declared weed – see regulation 4;

farming of an animal means keeping, hatching or raising an animal for any one or more of the following purposes:

- (a) the sale or other supply of the animal while it is alive;
- (b) the use of the animal for biological control, vegetation management, pollination or other similar agricultural services;
- (c) the slaughtering and supply of the slaughtered animal;
- (d) the harvesting of the animal or the products of the animal and the sale or other supply of the harvested animal or products;

feeding, in relation to any material, includes –

Biosecurity Regulations 2022
Statutory Rules 2022, No.

r. 3

Part 1 – Preliminary

- (a) allowing, directing or causing the material to be fed to an animal; and
- (b) if the material may be ingested by an animal, failing to prevent the animal from having access to the material;

fish means any aquatic animal, whether dead or alive, of any species (other than amphibians, birds, mammals or reptiles) which, in the normal course of events, spends part or all its life in the aquatic environment;

horticultural material includes any plant and any –

- (a) animal product and animal fitting; and
- (b) harvest-equipment, machinery, vehicle, container, pot, soil, structure, tool or other thing –

that is, or has been, used to carry, hold, handle, cultivate, propagate, grow, harvest, process or produce any plant or plant product;

horticulture includes any form of agriculture involving plants, including apiculture and viticulture;

inland waters has the same meaning as in the *Inland Fisheries Act 1995*;

Biosecurity Regulations 2022
Statutory Rules 2022, No.

Part 1 – Preliminary

r. 3

mammal does not include a human being;

old legislative scheme has the same meaning as in Part 2 of the *Biosecurity (Consequential and Transitional Provisions) Act 2020*;

oyster includes the spat and the seed of an oyster and any part of the flesh or shell of an oyster;

oyster product means any animal product comprised wholly or partly of oyster;

pet has the same meaning as in the *Primary Produce Safety Act 2011*;

pet food has the same meaning as in the *Primary Produce Safety Act 2011*;

poultry means muttonbird and any chicken, turkey, duck, squab (pigeon), goose, pheasant, quail, guinea fowl and other domesticated avian species used for the production of food for human or animal consumption;

prohibited pig feed includes –

- (a) any animal food, or fodder, comprising, in part or in whole, any mammal or animal product from a mammal; and
- (b) any animal food, or fodder, that has come into contact with any

Biosecurity Regulations 2022
Statutory Rules 2022, No.

r. 3

Part 1 – Preliminary

mammal or animal product from
a mammal –

but does not include –

- (c) any milk, milk product or by-product of milk processing that is of Australian provenance, or that has been lawfully imported into Australia for use as animal food; or
- (d) tallow; or
- (e) any other material or class of material declared by the Chief Veterinary Officer not to be prohibited pig feed by notice published in the *Gazette*;

proprietor of a business means –

- (a) the owner of, or the entity carrying on, the day-to-day operation of the business; or
- (b) if that entity cannot be identified, the person apparently in charge of the business;

quarantine place means premises or a part of premises used primarily for the quarantine of any biosecurity matter or carrier that –

- (a) has been identified as posing a biosecurity risk; or

Biosecurity Regulations 2022
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Part 1 – Preliminary

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- (b) is intended for export from Tasmania to another state or to Macquarie Island; or
- (c) has arrived in Tasmania from another state, or from Macquarie Island, and is required under the Act or a corresponding law to be –
 - (i) inspected by a biosecurity certifier or authorised officer before being exported or moved from the premises to another part of Tasmania; or
 - (ii) destroyed or treated in order to prevent, eliminate or minimise any biosecurity risk that it may pose;

ratite means any emu, ostrich or cassowary;

registered quarantine place means a quarantine place that is the subject of a current registration in accordance with regulation 19;

Rendering Standard means the Australian Standard entitled Australian Standard for Hygienic Rendering of Animal Products AS5008:2007 published by Standards Australia on 31 December 2007, as amended or substituted from time to time;

restricted animal material means animal food or material comprising, in whole or in part, a vertebrate animal or any product derived from a vertebrate animal, but does not include –

- (a) animal food produced for supply to –
 - (i) caged birds, other than poultry; or
 - (ii) aquarium fish; or
- (b) animal food produced for supply to non-ruminant laboratory animals; or
- (c) pet food for supply to non-ruminant pets; or
- (d) tallow; or
- (e) gelatin; or
- (f) any milk, milk product, or by-product of milk processing, that is of Australian provenance or that has been lawfully imported into Australia for use as animal food; or
- (g) any other material or class of material declared by the Chief Veterinary Officer not to be restricted animal material by notice published in the *Gazette*;

ruminant means a herbivorous, mammalian animal that can acquire nutrients from plant-based food by fermenting it in a specialised stomach prior to digestion, and includes farmed stock animals such as cattle, goats, sheep and deer;

ruminant food means any animal food that is intended for feeding to, or consumption by, a ruminant;

salmonid means fish of the following species, in part or whole, and whether dead or alive:

- (a) Atlantic salmon (*Salmo salar*);
- (b) Rainbow trout (*Oncorhynchus mykiss*);
- (c) Brook trout (*Salvelinus fontinalis*);
- (d) Brown trout (*Salmo trutta*);
- (e) any hybrid of the species above;

SDN-1 modified organism means an organism, within the meaning of the *Gene Technology Act 2000* of the Commonwealth, that –

- (a) has –
 - (i) been modified by repair of single strand or double strand breaks of genomic DNA induced by a site-

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directed nuclease, if a nucleic acid template was not added to guide homology-directed repair; or

(ii) inherited particular traits from an organism (the initial organism), being traits that occurred in the initial organism because of a modification of the type described in subparagraph (i); and

(b) is not a genetically modified organism within the meaning of the *Gene Technology Act 2000* of the Commonwealth;

soil means the top layer of the earth, consisting of rock and mineral particulates that may be mixed with organic matter in which plants grow or are grown;

tag means a tag that measures at least 45 millimetres by 120 millimetres.

tallow means a product (including, but not limited to, a product known as tallow, yellow grease or acid oil) that contains –

(a) fats and oils from an animal that have been rendered in accordance with the Rendering Standard; or

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(b) used cooking oil that is –

- (i) filtered or otherwise treated to remove visible particulate matter; and
- (ii) contains a combination of insoluble impurities and moisture that does not exceed 2% of the volume of the product;

thermally treated means treated by the application of a thermal process of lethality that is equivalent to one minute at 100 degrees Celsius at the slowest heating point within the product that is being treated;

unknown disease means an animal disease or a plant disease that is not known or identified;

unknown pest means a species or subspecies of invasive pest that is not known or identified.

(2) For the purpose of paragraph (b) of the definition of ***stock animal*** in the Act, the following animals are prescribed if the animals are kept or managed by a person, regardless of whether the animal is kept or managed for a commercial or non-commercial purpose:

- (a) any bovid, camelid, equine animal, porcine animal or poultry;

- (b) animals kept or managed in connection with animal racing, animal shows, rodeos, circuses and other similar events;
- (c) animals kept or managed in a zoo, wildlife park, fauna park or similar premises, for the purpose of public exhibition, public education or public entertainment on payment of a fee or otherwise;
- (d) animals kept for a research or educational purpose.

4. Declaration of pests and diseases

- (1) The Minister may, by notice published in the *Gazette*, declare for the purposes of these regulations any –

- (a) pest that is not prohibited matter; or
- (b) animal disease or plant disease that is not prohibited matter –

to be a declared pest or declared disease, if the Minister is satisfied on reasonable grounds that –

- (c) the pest or disease poses a biosecurity risk to Tasmania; and
- (d) the declaration is necessary to prevent, eliminate, minimise, control or manage the biosecurity risk posed by the pest or disease.

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- (2) A declaration under this regulation may be made subject to such conditions, requirements or restrictions as the Minister considers reasonable in the circumstances.
- (3) At least 28 days before making a declaration under this regulation, the Minister must –
- (a) publish a notice of the proposed declaration in the *Gazette*; and
 - (b) specify, in the notice, a period of not less than 28 days from the publication of the notice during which the Minister will accept comments and submissions on the proposed declaration.
- (4) Before making a declaration under subregulation (1), the Minister is to take into account –
- (a) any comments and submissions received under subregulation (3); and
 - (b) any advice of the Chief Plant Protection Officer and Chief Veterinary Officer in respect of the proposed declaration.
- (5) A declaration under subregulation (1) takes effect –
- (a) on the day on which notice of the declaration is published in the *Gazette*; or
 - (b) at such later date as is specified in that notice.

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- (6) A declaration under subregulation (1), notice of which is published under this regulation, ceases to have effect –
- (a) on the date specified in the notice; or
 - (b) on the expiry of the period specified in the notice; or
 - (c) if no such date or period is specified in the notice, on the revocation of the declaration.
- (7) In any Act or any instrument made or administered under an Act, a reference to a ***declared weed*** is, unless the contrary intention appears, to be taken as a reference to a weed that is a declared pest under this regulation.
- (8) For the removal of doubt, a declared pest or declared disease may include –
- (a) an invasive pest, or a disease, that is not known to be established in Tasmania; and
 - (b) a pest or disease that is known to be established in Tasmania or a part of Tasmania.

PART 2 – PROHIBITED DEALINGS

Division 1 – Prohibited imports

5. Importing suspected carrier of prohibited matter

The import of –

- (a) any animal fitting; or
- (b) any horticultural material; or
- (c) any other thing –

that may reasonably be suspected of being a carrier of prohibited matter is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

6. Importing pest or disease

The import of –

- (a) a declared pest; or
- (b) a declared disease; or
- (c) an unknown pest; or
- (d) an unknown disease; or
- (e) any thing that may reasonably be suspected of being a carrier of any biosecurity matter referred to in paragraph (a), (b), (c) or (d) –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

Division 2 – Prohibited dealings with animals

7. Feeding offal to dogs

- (1) Feeding offal to a dog is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) Subregulation (1) does not apply if the offal is contained in pet food and the pet food, or the offal component of the pet food –
 - (a) is commercially sterile; or
 - (b) has been treated by the application of a process approved by the Chief Veterinary Officer.
- (3) A certificate issued by –
 - (a) the Chief Veterinary Officer; or
 - (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –

certifying that any batch, consignment, lot or quantity of pet food complied with subregulation (2) on the date specified in the certificate is evidence of that fact.

8. Feeding prohibited pig feed to pigs

- (1) Feeding prohibited pig feed to a pig is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) Subregulation (1) does not apply if the prohibited pig feed is contained in animal food and the animal food, or the prohibited pig feed component of the animal food –
 - (a) is commercially sterile; or
 - (b) treated by the application of a process approved by the Chief Veterinary Officer.
- (3) A certificate issued by –
 - (a) the Chief Veterinary Officer; or
 - (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –certifying that any batch, consignment, lot or quantity of animal food complied with subregulation (2) on the date specified in the certificate is evidence of that fact.

9. Feeding restricted animal material to ruminants

- (1) Feeding restricted animal material or chicken litter to a ruminant is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) Subregulation (1) does not apply to a person allowing a ruminant access to material if it would not be reasonable in the circumstances for the person to prevent the ruminant from having access to the material, including in, but not limited to, the following circumstances:
- (a) a ruminant having access to a placenta;
 - (b) a ruminant licking another ruminant;
 - (c) a ruminant finding the bones of wildlife or herd mates;
 - (d) a ruminant having access to the naturally deposited faeces of wildlife or herd mates.

10. Supplying ruminant food containing restricted animal material

- (1) Supplying ruminant food that contains restricted animal material is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.
- (2) For the purposes of this regulation, any animal food that is supplied or intended for supply is taken to be ruminant food unless –
- (a) it is prominently labelled or marked as pet food intended for a non-ruminant animal; or
 - (b) it is otherwise prominently labelled or marked with a written warning which states that it contains restricted animal

material, and must not be fed to any ruminants.

(3) A certificate issued by –

- (a) the Chief Veterinary Officer; or
- (b) a biosecurity certifier authorised to issue biosecurity certificates for the purposes of this regulation –

certifying that any batch, consignment, lot or quantity of animal food contains, or does not contain, any quantity of restricted animal material on the date specified in the certificate, is evidence of that fact.

11. Supply of certain fish as bait or berley

The supply of bait or berley that contains any of the following fish or fish products is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act:

- (a) abalone or abalone products;
- (b) oysters or oyster products;
- (c) salmonids or salmonid products.

12. Unhygienic management of animal carcasses

- (1) The unhygienic management of the carcass of any –
 - (a) stock animal or vertebrate pet; or

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- (b) vertebrate game or wildlife; or
- (c) vertebrate animal pest –

on any premises is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) For the purposes of this regulation, the owner or occupier of premises is taken to be responsible for the unhygienic management of an animal carcass on the premises if –
 - (a) he or she causes or allows the carcass, or part of the carcass, to remain exposed to the environment or other animals on the premises without being buried, incinerated or otherwise disposed of in a suitably hygienic manner; or
 - (b) he or she fails to ensure that the carcass is buried, incinerated or otherwise disposed of in a suitably hygienic manner as soon as reasonably practicable after he or she discovers or becomes aware of the presence of the carcass on the premises.
- (3) In this regulation, the disposal of a carcass in a suitably hygienic manner includes –
 - (a) a method of disposal that prevents, eliminates or minimises biosecurity risk that may be posed by the carcass so far as is reasonably practicable; and
 - (b) the lawful and reasonable use of the carcass as animal food for a carnivorous

pet or stock animal in accordance with the Act, the *Primary Produce Safety Act 2011* and any other applicable law; and

- (c) any method of carcass disposal approved by the Chief Veterinary Officer for the purposes of this regulation.

Division 3 – Prohibited dealings with pests, diseases and carriers

13. Supply of pests, diseases and carriers

- (1) The supply of –

- (a) a declared pest; or
- (b) a declared disease; or
- (c) an unknown pest; or
- (d) an unknown disease; or
- (e) any thing that may reasonably be suspected of being a carrier of –
 - (i) any biosecurity matter referred to in paragraph (a), (b), (c) or (d) above; or
 - (ii) any prohibited matter –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) In any proceedings, evidence that a person had possession, care, custody or control of any

biosecurity matter or carrier referred to in subregulation (1) at any particular time is evidence, unless the contrary is established, that the person supplied the biosecurity matter or carrier at or around that time.

14. Propagation, &c., of declared pest or declared disease

- (1) The breeding, propagation, growing, raising, feeding, cloning or culturing of –
- (a) a declared pest; or
 - (b) a declared disease; or
 - (c) an unknown pest; or
 - (d) an unknown disease –

is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

- (2) Without limiting subregulation (1), the owner or occupier of premises is taken to be responsible for the breeding, propagation, growing, raising, feeding, cloning or culturing of a pest or disease that is present on the premises at the time of the alleged dealing, unless he or she establishes that –
- (a) he or she had taken all reasonable and practicable measures to prevent, eliminate or minimise the presence of the pest or disease on the premises; and

- (b) he or she did not know of the presence of the pest or disease on the premises; and
- (c) in the circumstances, he or she could not reasonably be expected to have known of the presence of the pest or disease on the premises.

15. Release or spread of pest or disease

(1) The release or spread of –

- (a) a declared pest; or
- (b) a declared disease; or
- (c) an unknown pest; or
- (d) an unknown disease –

into the environment is prescribed to be a prohibited dealing for the purposes of section 17(2) of the Act.

(2) Without limiting subregulation (1), a person is taken to be responsible for the release or spread of a pest or disease into the environment if at the time of the alleged dealing –

- (a) he or she –
 - (i) was the owner or occupier of premises that are reasonably suspected of being a carrier of the pest or disease; or

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- (ii) otherwise had possession, care or control of the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease; and
- (b) he or she –
 - (i) caused, allowed, or failed to prevent the release, scattering or escape into the environment, or from the premises, of the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease; or
 - (ii) otherwise dealt with the pest or disease, or any thing reasonably suspected of being a carrier of the pest or disease, in a manner that resulted in the spread or increase of the pest or disease into the environment or from the premises.

PART 3 – REGULATED DEALINGS

16. Artificial breeding of animals

The artificial breeding of an animal is prescribed as a regulated dealing for the purposes of section 17(1) of the Act.

17. Dealing with SDN-1 modified organism

- (1) For the purposes of section 11(1)(d) of the Act, the introduction, presence, spread or increase of an SDN-1 modified organism is prescribed to have biosecurity impact.
- (2) For the purposes of section 12(h) of the Act, an SDN-1 modified organism is prescribed as biosecurity matter.
- (3) For the purposes of section 17(1) of the Act, a dealing with an SDN-1 modified organism is prescribed as a regulated dealing.

18. Regulated animal farming

- (1) The farming of ratites is prescribed as a regulated dealing for the purposes of section 17(1) of the Act.
- (2) Apiculture and beekeeping are prescribed as a regulated dealing for the purposes of section 17(1) of the Act.

19. Operation of a quarantine place

- (1) The operation of a quarantine place is prescribed as a regulated dealing for the purposes of section 17(1) of the Act.
- (2) The owner, occupier or person in charge of a quarantine place is taken to be the person responsible for the operation of the quarantine place for the purposes of this regulation.

PART 4 – MISCELLANEOUS

20. Production of animal food

The proprietor of an animal food business must ensure that any ruminant food produced, packaged or supplied by the animal food business is not contaminated by any restricted animal material.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

21. Packaging and labelling of animal food

- (1) A person must comply with the following requirements in respect of the sale or supply of animal food by the person to another person:
 - (a) the invoice or other document relating to the sale or supply in bulk of animal food

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that contains restricted animal material
must have the following statement:

This product contains restricted animal material
– DO NOT FEED TO CATTLE, SHEEP,
GOATS, DEER OR OTHER RUMINANTS

- (b) the invoice or other document relating to
the sale or supply in bulk of ruminant
food must have the following statement:

This product does not contain restricted animal
material

- (c) in the case of animal food that contains
restricted animal material being sold in a
bag, the following statement must be
printed on the bag, a label on the bag, or
a tag attached to the bag:

This product contains restricted animal material
– DO NOT FEED TO CATTLE, SHEEP,
GOATS, DEER OR OTHER RUMINANTS

- (d) in the case of ruminant food being sold in
a bag, the following statement must be
printed on the bag, a label on the bag, or
a tag attached to the bag:

This product does not contain restricted animal
material

- (2) All statements referred to in this regulation must
be printed on a background of contrasting colour
and –

- (a) if the statement is on a woven bag, prominently displayed in letters of at least 10 millimetres in height; or
- (b) in any other case, prominently displayed in letters of at least 3 millimetres in height.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

22. Obscuring or removing animal food label or information

A person must not –

- (a) mark or deface an invoice, or other document relating to the sale or supply of any animal food, in such a way that obscures or alters the information contained in the invoice or document; or

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- (b) remove or cause to be removed from a bag that contains animal food any label or tag relating to the contents of the bag or the composition of the animal food.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
- (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

23. Matter for determining suitability of a person

The following matters are prescribed under section 18(e) of the Act as being matters that may be taken into account when determining whether a person is, or is no longer, a suitable person:

- (a) the previous failure by a person, or if the person is a body corporate, any director of the body corporate, to pay any fees or charges that are, or were, payable by the person or director under the Act;

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-
- (b) the financial capacity of the person to pay any fees or charges that are, or reasonably likely to be, payable by the person under the Act;
 - (c) the previous suspension, cancellation or revocation of any of the following:
 - (i) an individual permit held by the person or, if the person is a body corporate, any individual permit held by a director of the body corporate;
 - (ii) a biosecurity registration held by the person or, if the person is a body corporate, any biosecurity registration held by a director of the body corporate;
 - (iii) an approval of the person as an accreditation authority or, if the person is a body corporate, any approval of a director of the body corporate as an accreditation authority;
 - (iv) an appointment of the person as a biosecurity auditor;
 - (v) an accreditation of the person as a biosecurity certifier;
 - (vi) an appointment of the person as an authorised officer.

24. Infringement notices

For the purposes of section 231 of the Act –

- (a) an offence against a provision of the Act specified in column 1 of the table in Schedule 1 is prescribed as an offence for which an infringement notice may be issued and served; and
- (b) a penalty specified in column 2 of the table in Schedule 1 is prescribed as the penalty for a natural person for the offence specified in column 1 of the table; and
- (c) a penalty specified in column 3 of the table in Schedule 1 is prescribed as the penalty for a body corporate for the offence specified in column 1 of the table.

25. Presumption of state of mind

In any proceedings for an offence established within these regulations, except where the contrary intention appears, it is not necessary for the prosecution to prove any intention, or state of mind, to establish that the offence has been committed.

26. Payments to council or Public Account

- (1) Any payments made in respect of an infringement notice –

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-
- (a) are payable to a council, if the notice was served by an authorised officer who is an employee of the council; or
 - (b) are otherwise payable into the Public Account.
 - (2) A council may charge a person a fee for –
 - (a) the provision by the council to the person of any information requested by the person from the council under the Act; or
 - (b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised officer who is an employee of the council.
 - (3) A fee charged under subregulation (2) is –
 - (a) to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the provision of information, or the inspection, analysis or other function that was carried out by the authorised officer under the Act in respect of the person; and
 - (b) recoverable in a court of competent jurisdiction as a debt due and owing to the council.

27. Register of registered entities

- (1) The Secretary is to establish a register of entities authorised to engage in regulated dealings.
- (2) The register established under this regulation is to contain the following particulars:
 - (a) the name of the entity;
 - (b) a description of the regulated dealing that the entity is authorised to undertake;
 - (c) any other relevant details.
- (3) The register is to be available for inspection, without charge and during normal business hours, on a written request to the Secretary.
- (4) A person inspecting the register under subregulation (3) may, on payment of any reasonable fee determined by the Secretary that does not exceed 50 fee units, do either or both of the following:
 - (a) obtain an extract of an entry in the register;
 - (b) obtain a copy of anything contained in the register.
- (5) The Secretary may refuse to release, or provide access to, information on the register if the release of, or access to, that information may lead to the disclosure of trade secrets or sensitive commercial information.

28. Deemed refusal of permits, registrations and other applications

- (1) For the purposes of section 80(4) of the Act, if the Secretary fails to give an applicant notice of a decision to grant or refuse biosecurity registration within 60 days after receiving the application, the Secretary is taken to have refused to grant the application.
- (2) For the purposes of section 104(6) of the Act, if the relevant decision-maker fails to make a decision in respect of an application within 60 days after receiving it, the application is taken to have been refused.
- (3) For the purposes of clause 6 of Division 2 of Part 2 of Schedule 1 to the Act, if the relevant decision-maker fails to grant an application within 60 after receiving it, the application is taken to have been refused.
- (4) For the purposes of this regulation, any period commencing from a day on which the Secretary or decision-maker has, in writing, requested additional information from the applicant until the day on which that information is provided, is not counted towards the period of 60 days.

PART 5 – SAVINGS AND TRANSITIONAL PROVISIONS

Division 1 – Miscellaneous

29. Authorised officers

A person holding any of the following appointments immediately before the commencement of this regulation is taken to be appointed by the Secretary to be an authorised officer under section 31 of the Act on the same terms and conditions, and, if any term of appointment is specified, for a term expiring on the same day as specified:

- (a) an inspector appointed under section 8 of the *Animal Health Act 1995*;
- (b) an inspector appointed under section 49 of the *Plant Quarantine Act 1997*;
- (c) an inspector appointed under section 34 of the *Weed Management Act 1999*.

30. Declared pests

Any –

- (a) declared weed within the meaning of the *Weed Management Act 1999*; or
- (b) pest, List A pest or List B pest, all within the meaning of the *Plant Quarantine Act 1997*; or

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- (c) vermin within the meaning of the *Vermin Control Act 2000*; or
- (d) noxious fish within the meaning of the *Living Marine Resources Management Act 1995*; or
- (e) controlled fish within the meaning of the *Inland Fisheries Act 1995* –

that is in existence immediately before the commencement of this regulation, and has not been declared prohibited matter, is taken to be a declared pest for the purposes of these regulations.

31. Declared diseases

Any –

- (a) List A disease or List B disease within the meaning of the *Animal Health Act 1995*; and
- (b) disease, List A disease or List B disease, all within the meaning of the *Plant Quarantine Act 1997* –

that is in existence immediately before the commencement of this regulation, and has not been declared prohibited matter, is taken to be a declared disease for the purposes of these regulations.

32. Declarations or orders relating to land

(1) Any –

- (a) declaration of an infected place, restricted area, control area or protected area, under the *Animal Health Act 1995*; or
- (b) declaration of a quarantine area, infected area, control area or protected area, all within the meaning or the *Plant Quarantine Act 1997*; or
- (c) declaration of an infested area, or protected area, within the meaning of the *Weed Management Act 1999*; or
- (d) order specifying land under section 6 of the *Vermin Control Act 2000* –

that is in force immediately before the commencement of this regulation is taken to be a control order for the purposes of the Act.

(2) Any restriction, condition or other measure (however described) that is in force under, or in connection with, an order or declaration referred to in subregulation (1) is taken to be a control measure in respect of the applicable control zone under the Act.

33. Permits

(1) Any –

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- (a) permit or special authority issued under the *Animal Health Act 1995*; or
- (b) permit granted or issued under the *Plant Quarantine Act 1997*; or
- (c) exemption granted to a person under section 99 of the *Plant Quarantine Act 1997*; or
- (d) permit issued under the *Weed Management Act 1999* –

that was in force immediately before the commencement of this regulation is taken to be an individual permit that was granted under section 104 of the Act on the same terms and conditions and, if any term of the permit or authority is specified, for a term expiring on the same day as specified.

- (2) Any general authority issued under the *Animal Health Act 1995* that was in force immediately before the commencement of this regulation is taken to be a group permit that was granted under section 110 of the Act on the same terms and conditions and, if any term of the permit or authority is specified, for a term expiring on the same day as specified.

Division 2 – Biosecurity directions, registration and programs

34. Biosecurity directions

Any –

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- (a) requirement notice served under section 13 of the *Weed Management Act 1999*; or
- (b) written direction given by an inspector under the *Animal Health Act 1995*; or
- (c) written direction given by an inspector under the *Plant Quarantine Act 1997*; or
- (d) notice served by the Secretary under section 7 of the *Vermin Control Act 1999* –

that has been served and was in force immediately before the commencement of this regulation is taken to be an individual biosecurity direction that was given by an authorised officer under section 193 of the Act.

35. Registered quarantine places

- (1) The following persons or classes of persons are taken to be a registered entity authorised to operate a quarantine place for the purposes of regulation 19:
 - (a) a person who, immediately before the commencement of this regulation, was the operator of an approved facility that is registered under section 53 of the *Weed Management Act 1999*;
 - (b) a person who, immediately before the commencement of this regulation, was the operator of an approved quarantine

place within the meaning of the *Plant Quarantine Act 1997*.

- (2) The following premises or classes of premises are taken to be a registered quarantine place for the purposes of regulation 19:
 - (a) premises that, immediately before the commencement of this regulation, were an approved facility registered under section 53 of the *Weed Management Act 1999*;
 - (b) premises that, immediately before the commencement of this regulation, were an approved quarantine place within the meaning of the *Plant Quarantine Act 1997*.

36. Regulated animal farming

- (1) A person who, immediately before the commencement of this regulation, was a registered animal farmer within the meaning of the *Animal Farming (Registration) Act 1994* is taken to be a registered entity authorised to engage in the farming of ratites for the purposes of regulation 18(1).
- (2) The biosecurity registration of a person referred to in this regulation is subject to the same terms and conditions as the person's registration under the *Animal Farming (Registration) Act 1994* and, if any term of the registration was specified, for a term expiring on the same day as specified.

37. Artificial breeding of an animal

- (1) A person who, immediately before the commencement of this regulation, was the holder of a licence in force under section 61 of the *Animal Health Act 1995* is taken to be a registered entity authorised to collect, process or collect and process semen, embryos and ova for sale at the premises specified in the licence.
- (2) The biosecurity registration of a person referred to in this regulation is subject to the same terms and conditions as the person's licence under the *Animal Health Act 1995* and, if any term of the licence was specified, for a term expiring on the same day as specified.

38. Weed management plans

- (1) Any weed management plan within the meaning of the *Weed Management Act 1999* that was in force immediately before the commencement of this regulation is taken to be a Government biosecurity program implemented by the Secretary under section 136 of the Act containing, subject to subregulation (2), the same provisions and measures as the weed management plan and, if any term or period of the plan is specified, for term or period expiring on the same day as specified.
- (2) A government biosecurity program under subregulation (1) does not include any reference in a weed management plan to any specific offence against the *Weed Management Act 1999*, or any other Act of the old legislative scheme.

Biosecurity Regulations 2022
Statutory Rules 2022, No.

sch. 1

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

Regulation 24

Offence		Penalty (corporation)
1. Section 71(2) (contravention of general biosecurity duty)	20 penalty units	40 penalty units
2. Section 73(1) (failure to notify of a biosecurity event)	20 penalty units	40 penalty units
3. Section 75 (importing restricted matter)	1 penalty unit	10 penalty units
4. Section 225 (make false or misleading claim or act fraudulently)	20 penalty units	40 penalty units
5. All other offences in the Act (including in the regulations)	5 penalty units	10 penalty units

Biosecurity Regulations 2022
Statutory Rules 2022, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe certain matters as prohibited dealings and regulated dealings for the purposes of the *Biosecurity Act 2019*; and
- (b) prescribe various other miscellaneous matters for the purposes of that Act; and
- (c) provide for various savings and transitional matters consequent on the commencement of that Act.



Policy No 2016- 43

Payment of Councillors Expenses & Provision of Facilities Policy

Document:	Start Date: 18 January 2022	Page Reference:
Payment of Councillors Expenses & Provision of Facilities Policies	Review Date: 31 Dec 2024	Page 1 of 6

1. INTRODUCTION

This policy is prepared in accordance with Schedule 5 (1) & (2) of the Local Government Act 1993.

The policy aims to ensure that Councillors are provided with adequate and reasonable expenses and facilities to enable them to carry out their civic duty, and sets out procedures in relation to the claiming and payment of those expenses.

2. TRAVELLING EXPENSES

The Council will pay to Councillors an allowance towards necessary out-of-pocket expenses for conveyance in travelling to discharge the function as a Councillor in respect of the following:

- a) to and from the meetings of Council, or meeting of any committee of the Council.
- b) upon inspections or business within the Council area with prior approval from any two of the following: Mayor, Deputy Mayor or General Manager.
- c) upon business of the Council, outside the Council area with prior approval from any two of the following: Mayor, Deputy Mayor or General Manager.
- d) to and from the Annual Conference of the Local Government Association of Tasmania, or to and from any meeting of any regional organisation committee to which Council sends a delegate.
- e) to and from any seminar/conference with relevance to local government with prior approval from any two of the following: Mayor, Deputy Mayor or General Manager.
- f) upon inspections for Council business as arranged by the General Manager. .

- 1.2 The travelling allowance shall be paid at the rate applicable to Council employees under the Local Government Award 2010, Section 15.2(i) Vehicle Allowance. The current rate is 88.00 cents per kilometre.

This allowance will be limited to 10,000 kilometres per annum for Councillors. In recognition of the extra travel requirements of the Mayor and Deputy Mayor, this limit is increased to 15,000 kilometres per year.

- 1.3 Clause 1.2 shall not apply to travel, either inside or outside of the Council, where alternative arrangements are made for travel. Councillors are encouraged to explore

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travel-share arrangements amongst fellow Councillors or attendees in order to minimise travel costs to Council or to use the pool car which is based at Hamilton.

- 1.4 A Councillor shall not claim travel or other expenses where the expense would otherwise have been incurred as a result of private business.

Private business includes attending fund raising events or attending meetings where a Councillor may hold personal membership of the community organisations for example Lions Club of Bothwell & Districts; Bothwell Golf Club; Bothwell Cricket Club; Bothwell Gun Club; Great Lake Community Centre; Bothwell Tourism Association; Bothwell Golf Museum; Bothwell Spin In / Out; CWA; Parents and Friends Association; Bothwell Football Club; Health Action Team Central Highlands; Hamilton Agricultural Show Association; or Bothwell Licensed Anglers Association.

This clause does not apply if a Councillor attends in an invited official capacity to undertake a civic duty.

2. MEAL ALLOWANCE

- 2.1 For attendance at meetings of Council, or meetings of any committee of Council, of a duration exceeding 3 hours, a meal will be provided.
- 2.2 For attendance upon approved inspections or business of Council either, inside or outside the Council area, out-of-pocket expenses for meals will be reimbursed upon presentation of a claim for payment.

3. PROVISION OF FACILITIES

- 3.1 Council will provide the Mayor, the Deputy Mayor and other Councillors, secretarial support in respect of typing and postage of correspondence in relation to discharging their function as a Councillor.
- 3.2 The Mayor, Deputy Mayor and Councillors will be permitted to use the office telephones for calls in discharging their functions as a Councillor.

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- 3.3 The Mayor, Deputy Mayor and Councillors will be permitted access to Council facilities as required in the discharge of their functions as a Councillor.
- 3.4 All the above assistance provisions are to be arranged through office management with due regard to staff convenience and workload.

4. INSURANCE

- 4.1 Council will provide an insurance cover for the Mayor, the Deputy Mayor and other Councillors against personal injury, whether fatal or not, arising out of or in the course of the carrying out by such Councillors of any business of the Council for the performance by such Councillors of any function in his/her capacity as a member of the Council.

5. CONFERENCES, SEMINARS AND SPECIAL FUNCTIONS

- 5.1 The Council will pay on behalf of Councillors, registration costs in respect of attendance at any seminar or conference, in compliance with a resolution of Council.
- 5.2 The council will pay accommodation expenses for the attendance at the Annual Conference of the Local Government Association of Tasmania for the Mayor, Deputy Mayor and their spouses/partners at the median rate as advised on the conference program in compliance with a resolution of Council.
- 5.3 Where Councillors desire to attend a daily session of the Annual Conference of the Local Government Association of Tasmania, Council will pay, subject to a resolution of Council, the daily registration cost but any accommodation costs will be the responsibility of the Councillors themselves unless there is extenuating circumstances, where it is to be approved by two of either the Mayor, Deputy Mayor or General Manager.
- 5.4 Special Functions

Where a special function is scheduled and attendance is desired by Councillors, those Councillors are to present details to the Mayor, Deputy Mayor or General Manager with two of the three authorized to approve Council payment of related expenses. As a condition of payment of expenses, Councillors are required to present a report on the function to Council at the following Council Meeting.

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6. COUNCILLORS ALLOWANCE

- 6.1 The Council shall pay, in accordance with Section 340A of the Local Government Act 1993, an annual allowance payable monthly in arrears.

7. COMMUNICATIONS

- 7.1 The Mayor and Deputy Mayor shall be paid the following for carrying out his/her function of civic office:
- (a) \$70.00 per month towards his/her home phone and internet plan;
 - (b) Mobile phone cap plan (plan to be the most beneficial available to Council);
 - (c) Reimbursement of STD calls made in connection with carrying out the functions of Council upon receipt of an itemised account;
 - (d) 75% of message bank charges; and
 - (e) Monthly rental of a dedicated fax line and all calls directly attributed to Council business.
- 7.2 All other Councillors will receive a flat rate of \$35.00 per month towards communication expenses in connection with carrying out their function of civic office.
- 7.3 Council will provide an iPad to Councillors to enable documents for meetings to be sent and viewed electronically. Council will pay the monthly plan. iPads are to be returned upon ceasing to be a Councillor.

8. CHILD MINDING

- 8.1 Council will reimburse a Councillor for necessary, reasonable expenses incurred in carrying out the duties of office in relation to care of any child of the Councillor, including:
- Attendance at Council and Council Committee meetings.

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- To attend meetings arising as a result of a Councillor being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Councillor.
- Upon inspections or business within the Council area, provided such inspections or business are undertaken in compliance with resolutions of the Council.
- To attend to business of the Council, outside the Council area, in compliance with a resolution of Council.
- Attend any seminar/conference in compliance with a resolution or policy of Council.
- Upon inspections or business as arranged by the General Manager or Departmental Managers.
- Claims will be paid upon presentation of a receipt from a licensed child care provider as well as evidence of entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Child Care provider.
- At the General Manager's discretion, child care may be paid at an hourly rate of \$20.00 when no licensed provider is available (evenings for example).
- All claims must detail the date and time care was provided and the business of council it related to.
- Council will not reimburse any claims that are more than 3 months old.
- Childcare expenses will, unless there are exceptional circumstances, be paid in arrears.
- Claims for reimbursement of childcare expenses are to be submitted on the Child Care Minding Reimbursement Claim Form available from the P Drive (common drive) under Forms.

9. CLAIM FOR EXPENSES AND ALLOWANCES

- 9.1 Claims for reimbursement of out-of-pocket expenses incurred in accordance with this policy shall be made to the General Manager no later than one (1) month after the claim has been incurred.
- 9.2 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part is eligible under this policy, or the claim is unreasonable or does not serve the interests of Council, he or she shall refer the matter to Council for decision and policy guidance.

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Gambling Harm Minimisation Technologies Research

Research Paper

Disclaimer

The information contained in this report has been sourced from desktop research, publications and websites. While all due care has been taken in compiling this document, Stenning & Associates Pty Ltd and its subcontractors accept no responsibility for the accuracy or completeness of information gained from these sources and recommends that readers exercise their own skill and care with respect to its use. We will not be responsible for any loss, however arising, from the use of, or reliance on this information.

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Stenning & Associates thanks the staff of the Tasmanian Department of Treasury and Finance's Liquor and Gaming Branch, Neil Spencer from Gaming Consultants International and government officers from South Australia, Victoria, New South Wales and Queensland for their input in finalising this research paper.



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Glossary

ATG	Automated table game
ABCG	Account based cashless gaming
CBS	Consumer and Business Services (South Australia)
CBC	Card based cashless
CRT	Cash Redemption Terminal (South Australia)
CRT	Cashier's Redemption Terminal (New Zealand)
DJCS	Department of Justice and Community Safety (Victoria)
DOCITO	De-Centralised Offline Cash-In-Ticket-Out
EGM	Electronic gaming machine, slot machine (USA, Macau and Norway)
FRT	Facial recognition technology
ID	Identification
IVT	Interactive Video Terminal
MPS	My-Play System (Nova Scotia)
NSGC	Nova Scotia Gaming Corporation
OLGR	Office of Liquor and Gaming Regulation
PCG	Player card gaming
TITO	Ticket-in Ticket-out
USA	United States of America
VLT	Video Lottery Terminal
VPC	Voluntary Pre-commitment (South Australia)
VRGF	Victorian Responsible Gambling Foundation

1 Introduction

The *Gaming Control Amendment (Future Gaming Market) Bill 2020* to implement the Tasmanian Government's future gaming market reforms received Royal Assent on 16 December 2021. The reforms will take effect from 1 July 2023 and include:

- a decrease in the state wide electronic gaming machine (EGM) cap by 150 machines
- individual venue licences to operate EGMs
- a new Keno operator licence
- two new high roller non-resident casino licences
- more appropriate distribution of returns from gaming
- establishing a separate Licensed Monitoring Operator to monitor the hotel and club EGM network
- introduction of fully automated table gaming arrangements
- removing the monopoly on the simulated racing event 'Trackside'
- an increase in the Community Support Levy to improve harm minimisation.

The Tasmanian Government considers that harm minimisation could be improved through better identification of excluded players and the ability for players to set expenditure and time limits on their electronic gaming machine activity. To this end, and in accordance with the amending Act, the Government has directed the Tasmanian Liquor and Gaming Commission to investigate the extent to which facial recognition technology and a player card gaming¹ identification system (including pre-commitment) for electronic gaming machines in hotels, clubs and casinos could minimise gambling harm.

The Commission must report on the outcome of the investigations, including options, costs and benefits, timeframes to implement and implementation mechanism. The Commission is required to provide this report to the Minister for Finance by 30 June 2022 together with appropriate recommendations.

The Commission is conducting its investigation in four phases:

- Phase 1. a scoping investigation of the two harm minimisation technologies and where they are operating in Australian and international gambling environments;
- Phase 2. examination of the information gathered under Phase 1 to inform an initial feasibility assessment (conducted by a consultant with expertise in gambling industry technology and operations) of technology risks, regulatory impacts, interoperability and barriers, and timeframes of implementation for the Tasmanian environment;
- Phase 3. a stakeholder consultation process; and
- Phase 4. preparation of the final report by the Commission, with support from the Department of Treasury and Finance.

This paper has been commissioned under Phase 1 and describes the outcomes of a scoping investigation of gambling harm minimisation technologies for customer identification and gambling activity for EGMs. Specifically, it reports on two harm minimisation technologies that are operating in Australian and international gambling environments. The investigation involved desktop research and selected consultations with regulators. This publishable version does not include the outcomes of consultation treated confidential at the request of regulators.

¹ On expert advice, the term 'player card gaming' is used throughout this paper meaning a card used to play EGMs (known also as smartcards and restricted use cards).

These two technologies have been contextualised as:

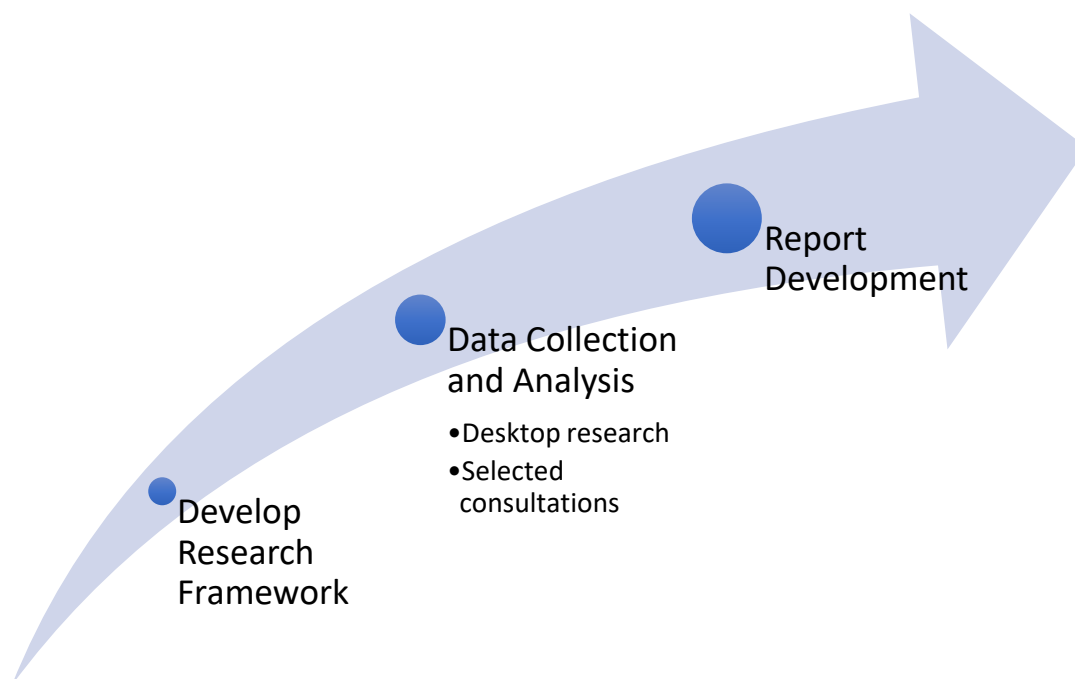
- 1) Facial recognition technology used for the purpose of alerting the presence of a person entering a venue or gaming area who is potentially registered as an excluded person on the Tasmanian Gaming Exclusion Scheme database. It is envisaged to operate similar to the South Australian system.
- 2) Player card gaming to be physical cards or digital emulation of a card (e.g. a digital wallet), with the functionality of or similar to an account, that at a minimum can identify the player, provides cashless gaming and the ability for players to set spend and time limits. The investigation also scopes other functionality available such as the ability to track gambling activity, prompt breaks in play, and identify excluded persons.

This scoping investigation has focused on gathering sufficient information about these types of technologies and evidence of their effectiveness to reduce harm. The investigation is designed to inform the initial feasibility assessment in Stage 2.

1.1 Methodology

The broad method used in preparing this paper is outlined in Figure 1.

Figure 1: Methodology



The scope of the research and consultations into the harm minimisation technologies and where they are operating in other Australian and international gambling environments is outlined in Table 1.

The Liquor and Gaming Branch and an expert consultant engaged by the Commission provided guidance to the research and assisted in clarifying, verifying and exploring key issues where necessary.

The types of technology have been interpreted as a whole system – not the specific components of technology. For example, one company may produce the software for a facial recognition system and another company may make the hardware (cameras, IT infrastructure, etc.)

The research scope was designed to enable a high-level overview of the jurisdictional environments for each technology.

Table 1: Research Scope

Technology Option	Jurisdictions Researched	Jurisdictions Consulted
Player card gaming	Australia <ul style="list-style-type: none"> New South Wales, Queensland, Victoria, South Australia International <ul style="list-style-type: none"> New Zealand, Norway, Nova Scotia (Canada), Sweden, United States 	Australia <ul style="list-style-type: none"> New South Wales, Queensland, Victoria, South Australia
Facial recognition	Australia <ul style="list-style-type: none"> South Australia, Queensland International <ul style="list-style-type: none"> New Zealand, Japan, Macau, United Kingdom 	Australia <ul style="list-style-type: none"> South Australia

Key search terms, or fragments thereof, used as a basis for identifying relevant information in jurisdictional documents are contained in Table 2.

Table 2: Key search terms

Player card gaming	<ul style="list-style-type: none"> Card-based gaming / gambling Player card gaming / gambling Gambling / gaming loyalty card Gambling card Cashless gaming / cashless technology Digital wallet / wallet Player card Smartcard Account card Account based cashless gaming
Facial recognition	<ul style="list-style-type: none"> Facial recognition Facial recognition technology / technologies Facial recognition system

2 Key findings

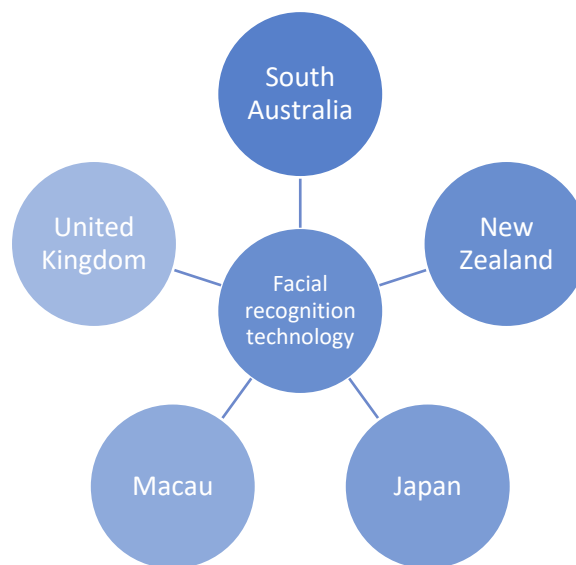
2.1 Facial recognition technology

Facial recognition technology (FRT) is used by government and business in a range of industries and applications. The technology is used in digitally accessing information, policing and travel / immigration and has been used in the context of minimising gambling harms associated with gambling.

A variety of FRT systems are used in a range of jurisdictions to identify excluded or barred patrons from gambling venues. Several applications, approaches and technologies have been identified, which are at varying stages of implementation. Minimal information was identified on the effectiveness, implementation issues or costs associated with FRT.

Figure 2 shows the jurisdictions that were the focus of the research into the use of FRT.

Figure 2: Jurisdictional research - facial recognition technology



South Australia, New Zealand and the United Kingdom use FRT as a tool for identifying excluded or barred patrons entering gambling venues. Japan and Macau appear to be in the early phase of identifying FRT technologies to identify excluded or barred patrons.

Research indicates that the use of FRT in New Zealand and the United Kingdom is not mandated through legislation. Rather, the use of FRT appears to be an industry led initiative.

The approved ID scanning equipment used in some liquor licensed venues in Queensland does not use facial recognition but there are some similar characteristics.

It has been reported that FRT has been successfully trialled at several gaming venues in New Zealand.² The Chief Executive of Christchurch Casino in New Zealand, Brett Anderson, has stated *'we have been looking at [an] 88 percent success rate over a recent two-month period.'*³

Evidence of weakness or adverse impacts of FRT was not identified for Japan, Macau, New Zealand or the United Kingdom.

² New Zealand Community Trust, [Facial recognition technology to help problem gamblers](#), SCOOP Business website. Accessed 20 January 2022

³ George Block, [The quiet creep of facial recognition systems into New Zealand life](#), Stuff website. Accessed 20 January 2022

The key implications or potential traps flagged for consideration tend to relate to privacy concerns and how staff are to deal with potentially barred persons entering gaming areas.

The costs associated with implementing FRT were identified for South Australia and New Zealand, and are highly variable, depending on the types of systems used.

2.1.1 Research outcomes

This section summarises the findings of the desktop review of the use of facial recognition technology.

Outcome 1: A global environmental scan of the harm minimisation technologies identifying the range of options available

Facial recognition technology (FRT) is used by government and business in a range of industries and applications. In addition to its utility in assisting in minimising harm associated with gambling, the technology is used in digitally accessing information, policing and travel / immigration.

Fundamentally, facial recognition systems comprise:

- an imaging device
- control information
- a comparison system.

Imaging devices include digital cameras, video surveillance cameras, thermal imaging cameras and drones.^{4 5}

Control information includes biometric passports⁶, images from social media or video surveillance footage.⁷

The comparison system is used to compare and analyse the taken image with the control image and any other relevant information. An example would include video-based facial recognition system, such as the one described by Thales⁸, that uses algorithms to detect, track and recognise faces.

Examples of the range and application of facial recognition systems used by governments, business and individuals include:

- Facial recognition systems using cameras with cloud-based comparison systems or systems integrated with existing CCTV infrastructure:
 - the facial recognition systems used in South Australia, New Zealand and UK gaming machine venues and casinos.
- Phone camera based facial recognition systems:
 - the system used in the South Australian Government home quarantine phone application
 - FaceID.
- Automated Border Control systems:

⁴ Professor Pete Fussey and Dr. Daragh Murray, [Independent Report on the London Metropolitan Police Service's Trial of Live Facial Recognition Technology](#), Essex University Human Rights Centre, p 5. Accessed 13 December 2021

⁵ Meredith Van Natta, Paul Chen, Savannah Herbek, Rishabh Jain, Nicole Kastelic, Evan Katz, Micalyn Struble, Vineel Vanam, Niharika Vattikonda, [The rise and regulation of thermal facial recognition technology during the COVID-19 pandemic](#), Journal of Law and the Biosciences, 2020, p 5-6. Accessed 13 December 2021

⁶ [Biometrics](#), Department of Home Affairs website. Accessed 14 December 2021

⁷ Mark Andrejevic and Neil Selwyn, [Facial recognition technology in schools: critical questions and concerns](#), Learning, Media and Technology, 2020, p 2. Accessed 13 December 2021

⁸ [Video-based facial recognition – Thales Facial Recognition Platform](#), Thales website. Accessed 14 December 2021

- used in airports worldwide by the European Union and variety of countries, such as the United States of America, Australia, Hong Kong.

A variety of FRT systems are used across these jurisdictions to identify excluded or barred patrons from gambling venues. A range of applications, approaches and technologies have been identified, which are at varying stages of implementation. Minimal information is available online and was identified in consultation in relation to the effectiveness, implementation issues or costs associated with FRT.

Outcome 2: Details of where these technologies are operating including the regulatory frameworks and industry practices/requirements

South Australia uses FRT as a tool for identifying excluded or barred patrons entering gambling venues. South Australia maintains a set of approved FRT system providers and approved systems that can be used by businesses to identify excluded or barred patrons.

New Zealand and the United Kingdom are currently using FRT to identify excluded gamblers, while Japan and Macau appear to still be in the trial phase of the technologies.

In Queensland, approved ID scanning equipment is being used in certain types of liquor licensed venues in safe night precincts to assist venue staff in identifying patrons subject to a banning order. The equipment does not use facial recognition but there are some similar characteristics.

It appears that the use of FRT in New Zealand and the United Kingdom is not mandated through legislation. Rather, the use of FRT appears to be an industry led initiative to identify excluded patrons.

Outcome 3: Evidence of effectiveness including the minimisation of harm caused by gambling

A report prepared for the Queensland Government investigating alcohol related violence and the night time economy observed that the ID scanner equipment improves the ability to enforce banning orders (note that these banning orders refer to liquor rather than gambling).⁹

According to the Chief Executive of Christchurch Casino in New Zealand, Brett Anderson, '*we have been looking at [an] 88 percent success rate over a recent two-month period*'¹⁰ in relation to the facial recognition system used to detect voluntarily excluded persons.

It has been reported that FRT has been successfully trialled at several gaming venues in New Zealand.¹¹

Japan and Macau are still in the trial phase of FRT and South Australia has recently implemented its system. No evidence of the effectiveness of FRT for these jurisdictions has been identified through desktop research.

No evidence has been identified for the effectiveness of FRT in the United Kingdom.

Outcome 4: Evidence of weakness or adverse impacts including on recreational gamblers

Some weaknesses of FRT were identified through desktop research:

- An evaluation report on the Queensland ID scanner technology identified implementation issues in relation to processing and software of the ID scanners, although specific details were not provided. In addition, issues were raised relating to the training required to operate scanners, rescanning of patrons and the days and times of operation. These weaknesses were not considered significant.¹²

⁹ Professor Peter Miller, et al., [Queensland Alcohol-related violence and Night Time Economy Monitoring \(QUANTEM\): Final Report](#), Deakin University, 2019, p 534, 561, 563. Accessed 21 January 2022

¹⁰ George Block, [The quiet creep of facial recognition systems into New Zealand life](#), Stuff website. Accessed 20 January 2022

¹¹ New Zealand Community Trust, [Facial recognition technology to help problem gamblers](#), SCOOP Business website. Accessed 20 January 2022

¹² Professor Peter Miller, et al., [Queensland Alcohol-related violence and Night Time Economy Monitoring \(QUANTEM\): Final Report](#), Deakin University, 2019, p 540. Accessed 21 January 2022

- Evidence of weakness or adverse impacts of FRT was not identified for South Australia, Japan, Macau, New Zealand or the United Kingdom.

Outcome 5: Information about implications or potential traps to be considered further by the expert consultant such as privacy concerns

The key implications or potential traps flagged for consideration include:

- For SA, the critical implementation issue facing Consumer and Business Services (CBS) included how venue staff dealt with potentially barred persons who may or may not have entered the gaming area.¹³ The issue was resolved by the Commissioner issuing new gaming machine licence conditions which:
 - outlined a procedure detailing the in-venue management of suspected barred person¹⁴
 - require that venues ensure devices that receive Barring and Online Employee Notification (BOEN) notifications are not visible to the general public.¹⁵
- In Queensland, the cost of ID scanner operation has been flagged as high, as licensed security guards need to be paid for a minimum of four hours. It has been reported that this has resulted in the increase of some venues' security bills by 40 per cent.¹⁶
- Privacy and usage concerns have been raised in the UK about the widespread adoption of FRT.^{17 18} Accordingly, the perception of how the FRT systems will operate is important to manage.
 - However, there is support for the technology within the gambling industry with the view there would be benefits for:¹⁹
 - ♦ improving security
 - ♦ identifying minors
 - ♦ preventing fraud
 - ♦ preventing banned players from entering gambling premises.²⁰
 - Moreover, recent research indicates privacy concerns may be overstated with citizens surveyed from the United Kingdom (also Germany, US and China) viewing convenience and improved security as the foremost concerns.²¹

¹³ Consumer and Business Services, [Gambling reform update](#), p 1. Accessed 14 January 2022

¹⁴ Ibid, p2

¹⁵ Ibid, p2

¹⁶ Professor Peter Miller, et al., [QUEensland Alcohol-related violence and Night Time Economy Monitoring \(QUANTEM\): Final Report](#), Deakin University, 2019, p 581. Accessed 21 January 2022

¹⁷ Damien Gayle, [Privacy campaigners warn of UK facial recognition 'epidemic'](#), The Guardian, 2019. Accessed 20 January 2022

¹⁸ Ed Riley, [Fears privacy for millions faces 'extinction' as it is revealed shopping centres, museums, casinos and public streets now use facial recognition cameras](#), Daily Mail, 2019. Accessed 20 January 2022

¹⁹ Improving security, identifying minors and preventing fraud were not specifically investigated in this report.

²⁰ Rhys Gregory, [Gambling Industry has Embraced Facial Recognition Technology](#), Wales 247. Accessed 20 January 2022

²¹ Genia Kosta, Léa Steinacker and Miriam Meckel, [Between security and convenience: Facial recognition technology in the eyes of citizens in China, Germany, the United Kingdom, and the United States](#), Public Underst Sci., 2021. Accessed 25 January 2022

- The critical implementation issue for the FRT system in New Zealand is the cost of purchasing, installing and operating the system, particularly for venues operating a small number of EGMs.^{22 23}
 - Furthermore, a salient consideration from a regulatory perspective is that there appears to be no governmental oversight of the system in New Zealand.

Outcome 6: Evidence of potential costs associated with implementing these technologies (where reasonably identifiable)

Costs associated with implementing FRT were identified for New Zealand.

New Zealand

Capital costs

The cost for venues to install a Guardian system depends on the number of cameras and the type of system chosen. The initial hardware costs for:

- The Guardian system comprises:
 - 2 to 6 camera systems cost between \$NZ17,918.28 to \$NZ31,278.48.²⁴
- The Guardian Edge system comprises:
 - 1 to 6 camera systems cost between \$NZ10,545.00 and \$NZ19,170.00.²⁵

These prices do not include costs for optional upgrades, installation or pre-wiring requirements.

Operational costs

The operational costs of running a Guardian system vary. The monthly fee for:

- The Guardian system comprises:
 - 2 to 6 cameras, \$NZ445.00 to \$NZ825.00.²⁶
- The Guardian Edge system comprises:
 - 1 to 6 cameras, \$NZ285.00 to \$NZ525.00.²⁷

No training costs were identified.

The costs for FRT systems in the United Kingdom were identified as variable, and depend on the scope of the system and the system provider.²⁸

²² Katie Scotcher, [Facial recognition tech to help curb problem gambling](#), RNZ website. Accessed 20 January 2022

²³ Sharon Singleton, [NZ venues trial facial recognition technology](#), Asia Gaming Brief website. Accessed 20 January 2022

²⁴ COMS Systems Limited, [The Guardian – Information Flyer](#), p2. Accessed 20 January 2022

²⁵ COMS Systems Limited, [The Guardian Edge – Information Flyer](#), p2. Accessed 20 January 2022

²⁶ COMS Systems Limited, [The Guardian – Information Flyer](#), p 2. Accessed 20 January 2022

²⁷ COMS Systems Limited, [The Guardian Edge – Information Flyer](#), p 2. Accessed 20 January 2022

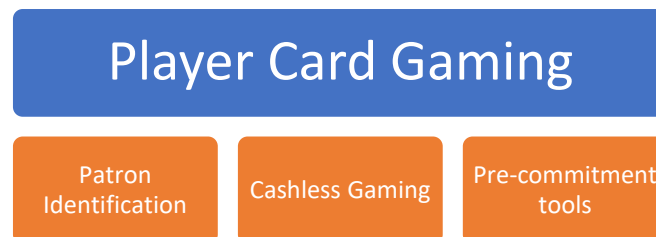
²⁸ [Pricing](#), The Face Recognition Company website. Accessed 20 January 2022

2.2 Player card gaming

Research indicates that player card gaming (PCG) systems generally involve three main components as outlined in Figure 3:

- Patron identification:
 - Meaning a patron must register their details to access the card.
 - It can include identification of excluded persons.
- Cashless gaming:
 - Meaning a cashless payment method that can interface with the card.
 - Includes ticket-in ticket-out (TITO) systems, card based cashless systems, account based system and mobile / digital wallets.
- Pre-commitment tools:
 - Meaning features such as time and expenditure limits, tracking gambling activity and prompting breaks in play.

Figure 3: Player card gaming – common components



PCG systems can have one or more of these components. However, only those systems that have all three components would meet the expectations of the State Government given the nature of their reference to the Commission.

Based on research, it is understood that cashless gaming is not considered to have any innate harm minimisation features as it is simply an alternative payment method to cash. To illustrate:

- TITO systems essentially replace cash for loading credit into EGMs and receiving winnings.
- Card based cashless systems can be charged with cash or charged virtually through an online account / wallet and receive winnings on the card.
- Digital / mobile wallets allow the user to transfer and withdraw money using a linked card or account.

Furthermore, PCG systems can be anonymous or registered to an identified person.

Figure 4 shows the jurisdictions that were the focus of the current research into the use of PCG.

Figure 4: Jurisdictional research – player card gaming



A range of player card gaming systems have been trialled and used in Australia, Nova Scotia (Canada), Norway, Sweden and other countries internationally.²⁹ The use and application of PCG systems is variable across jurisdictions, and regulators differ in their approach to the mandatory / voluntary nature of its use in relation to gaming on EGMs³⁰ or their jurisdictional equivalents.

Evidence of the effectiveness of PCG in terms of minimising harm caused by gambling was identified for Queensland, Victoria, New Zealand, Norway, Nova Scotia and Nevada (USA). NSW has not yet undertaken their trial of a PCG system and no evidence was identified for Sweden's PCG system.

Evidence of weakness or adverse impacts of player card gaming broadly related to the low usage of the PCG systems. Key drivers of low usage were privacy concerns, patrons not seeing a need for or the benefits of using PCG systems, and a lack of promotion of PCG systems by venues. The only evidence of adverse impacts of PCG was identified was the potential for patrons to spend more using cashless payment methods.

The research identified some implications or potential traps to be considered further, including issues related to:

- privacy concerns
- dealing with risks associated with cashless payment technologies
- staff training.

Information regarding costs associated with implementing PCG technologies were mostly unavailable. However, some limited costing information was identified for the Victorian and Nova Scotia systems, which indicates that costs are highly variable and involve cost to government and industry.

2.2.1 Research outcomes

This section summarises the findings of the desktop review of the use of PCG technologies.

²⁹ Anna Thomas, Darren Christensen, Julie Deblaquiere, Andrew Armstrong, Sharnee Moore, Rachel Carson and Angela Rintoul [Review of electronic gaming machine pre-commitment features: Limit setting](#), Australian Gaming Research Centre. Accessed 15 December 2021

³⁰ For example, Canada and the USA operate video lottery terminals, which is a type of electronic gaming machine.

Outcome 1: A global environmental scan of the harm minimisation technologies identifying the range of options available

PCG systems have been trialled and used in Australia, Canada (Nova Scotia), Norway, Sweden and other countries internationally.³¹

Examples of the types of PCG currently in use include:

- The PCG system planned to be trialled in Newcastle, NSW that ‘...is linked to identity, a bank account and with harm minimisation settings.’^{32 33}
- The IGT ADVANTAGE™ system being used in Nevada, USA.
 - This system is digital wallet based and must be able to identify the patron and allow them to set transfer limits.^{34 35}
- The account-based cashless gaming system used at SkyCity Adelaide Casino in conjunction with the SkyCity Rewards Card.
 - The account based cashless gaming system has some pre-commitment tools, may identify patrons and works alongside the South Australian voluntary pre-commitment system that must be offered to patrons.

Outcome 2: Details of where these technologies are operating including the regulatory frameworks and industry practices/requirements

Regulators differ in their approach to the mandatory / voluntary nature of the use of PCG in gaming. For example:

- Using the PCG is mandatory to gamble on the equivalent of EGMs in Nova Scotia, Norway and Sweden.
- Whereas patrons in the other jurisdictions can choose to use the PCG system.

All jurisdictions’ PCG systems have the potential to identify patrons, but some jurisdictions, such as VIC, SA, Qld and Nova Scotia, have anonymous options for players to use.

PCG systems allow for payment methods independent of the PCG system, such as TITO in SA and VIC.

- In other words, the mechanism used to pay is not always the same as the mechanism used to access pre-commitment.

The high-level pre-commitment features used in the jurisdictions reviewed comprised:

- Core features:
 - ♦ time limits, which can apply to over a day, week, month and year
 - ♦ expenditure limits, which can apply over the same periods
 - ♦ player activity data (live / historical).
- Other features:

³¹ Anna Thomas, Darren Christensen, Julie Deblaquiere, Andrew Armstrong, Sharnee Moore, Rachel Carson and Angela Rintoul [Review of electronic gaming machine pre-commitment features: Limit setting](#), Australian Gaming Research Centre. Accessed 15 December 2021

³² Minister for Customer Service and Digital Government, Minister for Customer Service, [First trial of cashless gaming technology](#). Accessed 19 January 2022

³³ Ibid.

³⁴ Newsdesk, [IGT receives full Nevada regulatory approval for cashless gaming solution](#), Inside Asian Gaming website. Accessed 26 January 2022

³⁵ Nevada Gaming Commission, [Technical Standard 3 - Integrity of and Proper Accounting for On-Line Slot Systems and Cashless Wagering Systems](#), p 7. Accessed 15 February 2022

- ♦ self-exclusion
- ♦ breaks in play
- ♦ on-screen messaging
- ♦ money limits, such as maximum balance or transfer limits.

EGMs use communications protocols to communicate usage data to a monitoring system. Communication protocols can be mandated by regulators and accordingly that affects the type and thus features of EGMs used.

Gaming machine protocols in use include:

- X-standard (used in NSW)³⁶
- QCOM (used in Qld, SA, TAS, NT and in VIC gaming venues)³⁷
- ASP (used in VIC Melbourne casino)
- IGT SAS protocol (widely used internationally).³⁸

Outcome 3: Evidence of effectiveness including the minimisation of harm caused by gambling

Evidence of the effectiveness of player card gambling in terms of minimising harm caused by gambling was identified for Queensland, Victoria, New Zealand, Norway, Nova Scotia and Nevada (USA).

A range of issues related to harm minimisation were identified as a result of Queensland's trialling of PCG, including:

- potential to improve the written information given to players about harm minimisation to support cashless card based gaming
- people who received warnings in relation to their gambling activity reflected on their gambling spend
- people who used pre-commitment to set limits decreased their spending on gambling
- the way information was presented on expenditure statements in the provider's system, SIMPLAY, needed improvement.³⁹

Victoria's evaluation (2019) of YourPlay found the usage was low owing to YourPlay being an opt-in, voluntary pre-commitment system. Furthermore, high loss limit setting was observed among many YourPlay users which suggests that the loss limit setting feature is unlikely to have a significant impact on harm reduction.⁴⁰

In New Zealand's commissioned report, *An exploratory study examining pre-commitment in New Zealand*, the relevance of cashless gambling technology to pre-commitment systems, and thus its role in harm minimisation, was questioned.

'The reason why cashless gambling was raised as a useful feature of pre-commitment systems by problem gamblers is unclear.

Early trials of cashless gambling based pre-commitment systems in some jurisdictions have anecdotally reported that cashless gambling may allow improved expenditure monitoring by gamblers (as money is held in an account on a card).

³⁶ Liquor & Gaming NSW, [Gaming Machine Communications Protocol Technical Standard](#), 2013. Accessed 19 January 2022

³⁷ Office of Liquor and Gaming Regulation Qld, [QCOM Protocol](#), Version 1.6.7. Accessed 19 January 2022

³⁸ International Game Technology, Slot Accounting System, Protocol Version 6.02, 2005. Document provided by expert consultant

³⁹ Office of Regulatory Policy, [Queensland Card-based Gaming Trials](#), p 6-7. Accessed 21 January 2022

⁴⁰ Steve Whetton, Michael O'Neil, Professor Paul Delfabbro, Kerry Sproston, Suraya Abdul Halim, Tania Dey, Clare Hanely, Lauren Kay, Anthony Kosturjak, Katherine Tran and Alison Wood, [Evaluation of YourPlay Final Report](#), South Australian Centre for Economic Studies, Adelaide, 2019, p vii, xv. Accessed 20 January 2022

However, the longer-term impacts of cashless gambling remain unknown. It is also apparent that, while some gamblers consider cashless gambling as useful, some members of the community in New Zealand remain concerned about possible 'unknown' effects of cashless gambling (e.g., whether it could lead to greater gambling expenditure).

*This may thus highlight the potential to examine both cashless and non-cashless pre-commitment systems in any future New Zealand trials.'*⁴¹

Norway experienced some harm minimisation effects where Ladouceur, Blaszczynski and Lalande (2012) put forward 'arguments offered by both proponents and opponents of pre-commitment referred to available data derived from trials conducted in ...Norway with no apparent consensus on what the data demonstrated in respect of the effectiveness of pre-commitment as a public health measure.'⁴²

Notably, Rintoul and Thomas suggest that 'An assessment of the impact of [Norway's full pre-commitment system including a universal maximum loss limit per day and month] demonstrated that losses fell following the introduction of new machines in 2009, while calls to gambling helplines reduced substantially, providing indirect evidence that the changes were successful (Lund, 2009).'^{43 44}

Figures reported by Norsk Tipping (a Norwegian Government owned company offering gambling services) in 2012 indicate that in Q4 of 2011:

- '15% of gamblers were stopped by their Global monthly limit
- 1.6% of gambling sessions stopped with the mandatory break (after 1 hour of continuous play)
- 1.1% set personal time limits
- 2.3% set stricter personal money limits.'⁴⁵

They report this as a success and discuss that although the 'ban on bank notes and the later ban on slot machines had the biggest effect on [reducing player gambling expenditure] but the introduction of IVTs [interactive video terminals] did not bring the problems back.'⁴⁶

They also noted that the 'Player Card imposed some challenges [regarding player impulse] arising from the transfer of money and availability.'⁴⁷

A report undertaken to evaluate Nova Scotia's PCG scheme the "My-Play System" (MPS) suggests that there was a general decline in problem gambling rates within the cohort of problem video lottery gamblers that participated in the study, although this trend emerged before the introduction of the MPS. This was likely partially attributed to general declines.⁴⁸

The proportion of problem and medium-risk gamblers decreased from the baseline rate in 2008 of 53% to 29% in 2013 during the mandatory phase.⁴⁹

⁴¹ Schottler Consulting Pty Ltd, [An exploratory study examining pre-commitment in New Zealand](#), 2016, p 19. Accessed 24 January 2022

⁴² Robert Ladouceur, Alex Blaszczynski and Daniel R. Lalande, [Pre-commitment in gambling: a review of the empirical evidence](#), International Gambling Studies, p 2. Accessed 24 January 2022

⁴³ Angela Rintoul and Anna Thomas, [Pre-commitment systems for electronic gaming machines](#), Australian Gambling Research Centre, p 7. Accessed 24 January 2022

⁴⁴ Ingeborg Lund, [Gambling behaviour and the prevalence of gambling problems in adult EGM gamblers when EGMs are banned. A natural experiment](#), Journal of Gambling Studies, 2009, p 215–225. Accessed 24 January 2022

⁴⁵ Bjørn Helge Hoffmann, op. cit., p 23

⁴⁶ Ibid., p 8, 27

⁴⁷ Ibid., p 23.

⁴⁸ Responsible Gambling Council Centre for the Advancement of Best Practices, [My-Play System Evaluation: Final Report](#), 2016, p 53. Accessed 25 January 2022

⁴⁹ Ibid., p 53

The data suggested ‘...problem and medium-risk gamblers are disproportionally spending less time and money on VLT gambling than before as compared to non-problem or low-risk gamblers.’⁵⁰

In conclusion, ‘this report presents the final results of the evaluation of the MPS that took place over a five-year period from 2008 to 2013... Overall, the results suggest that while some aspects of the [MPS] were associated with reduced negative outcomes for [video lottery] gamblers, poor utilization of the system was a significant issue.’⁵¹ Moreover, the effectiveness of the harm minimisation features of the MPS varies from having no effect to having a positive effect to being associated with increasing gambling spending.

There is little information regarding the impacts of cashless wagering systems in Nevada on harm minimisation. It is understood that the ‘Executive Director of the National Council on Problem Gambling (NCPG), reportedly stated that cashless systems ...are designed to increase the time and money that gamblers spend at the table, and are inherently likely to negatively impact individuals with gambling problems (Whyte, 2020; Cited in Silverstein, 2019).’⁵²

Outcome 4: Evidence of weakness or adverse impacts including on recreational gamblers

Evidence of weakness or adverse impacts of PCG broadly related to low uptake of the systems being implemented.

Queensland’s trial of PCG experienced low uptake of the pre-commitment setting features.

A focus group undertaken during the evaluation of Victoria’s YourPlay scheme indicated that there were mixed views regarding the scheme:

- The majority of the focus group thought that the fact limits can be over-ridden when reached made YourPlay ineffectual.⁵³
- The main barrier of the focus group was:
 - they felt the scheme was aimed at at-risk gamblers
 - was unnecessary for them to use.⁵⁴
- Privacy concerns were raised in relation to YourPlay on-screen messaging popping up and being visible to others.⁵⁵
 - This concern underpinned feeling about the potential stigma of using a pre-commitment scheme.⁵⁶

During the exploratory study by Schlotter Consulting examining pre-commitment in New Zealand, a focus group of patrons ‘...discussed the concept of cashless gambling as a possible feature of a future pre-commitment system. There was a general view, however, that if the system was cashless, then a range of security features needed to be in place to ensure that gamblers did not lose the money they held on their card.’⁵⁷

The focus group also outlined specific views about cashless gambling, which included:

- Concerns about the security of cards, especially anonymous cards.

⁵⁰ Ibid., p 53

⁵¹ Ibid., p 57

⁵² Victorian Responsible Gambling Foundation, [What is the impact of cashless gaming on gambling behaviour and harm?](#), 2020, p 64. Accessed 27 January 2022

⁵³ Steve Whetton et al., op. cit., p 37

⁵⁴ Ibid., p 37

⁵⁵ Ibid., p 37

⁵⁶ Ibid., p 37

⁵⁷ Schlotter Consulting Pty Ltd, Op. cit., p 66

- Potential for spending more money on gambling because:
 - using the card could allow you to play longer
 - the card is ‘...not as material as the actual cash in front of you.’⁵⁸

According to the Nova Scotia Gaming Corporation (NSGC), the Government removed the MPS from VLTs in August 2014 after determining that the system was ‘...not meeting its objectives.’⁵⁹

*‘[The] data showed that more than 99.9% of video lottery players chose light enrolment, used multiple cards and card shared, and the vast majority of players were not using the system features at all.’*⁶⁰

Therefore, the inherent weakness of the MPS was that, despite it being mandatory, patrons had significant choice on the types of harm minimisation features imposed on them – and the vast majority chose to not use them.⁶¹

Outcome 5: Information about implications or potential traps to be considered further by the expert consultant such as privacy concerns

A report summarising Queensland’s trial of PCG identified some critical implementation issues, including:

- the uptake of card-based gaming took 3-4 months to peak before steadying
- the use of pre-commitment limit settings by patrons was dependent on the promotion of these features by the venue
- it being vital for the system provider to give ‘...simple and ongoing training for staff and detailed training for players.’⁶²

Standout findings regarding critical implementation issues included:

- ‘Any future rollout of card-based gaming to additional venues should have harm minimisation promoted as the primary objective of the technology offering.’⁶³
- ‘Early trials will require significant effort to encourage adoption to achieve the objectives of pre-commitment as a gambling harm minimisation measure.’⁶⁴
- ‘Given that many players just use card-based gaming for “cashless convenience”, [the] findings...further emphasise the need for venues to actively promote harm-minimisation benefits to ensure that they are leveraged by players.’⁶⁵
- ‘...pre-commitment systems were seen [by venue staff] to have some potential to reduce venue workloads and offer gamblers harm-minimisation benefits, though achieving those benefits would be more likely if venues opted for full cashless gaming and all gamblers used pre-commitment.’⁶⁶

A critical implementation issue identified in Victoria was the need to resolve a range of fundamental policy and design issues, such as the ones posed in the [Pre-commitment Discussion Paper](#) published by Department of Justice and Community Safety (DJCS) in 2011.

- Examples include defining:

⁵⁸ Ibid.

⁵⁹ Nova Scotia Provincial Lotteries & Casino Corporation, [2014-15 Summary of Results](#), p 2. Accessed 25 January 2022

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Office of Regulatory Policy, [Queensland Card-based Gaming Trials](#), p 6. Accessed 21 January 2022

⁶³ Ibid., p 6

⁶⁴ Ibid., p 10

⁶⁵ Ibid., p 14

⁶⁶ Ibid., p 37

- what pre-commitment is and what might it do (such as potential equipment, the features and processes, incentives that influence take-up and use of pre-commitment)
- what the technical options are for pre-commitment (such as networked or non-networked systems)
- who should provide pre-commitment (such as responsibilities and provider options).⁶⁷

The evaluation of YourPlay identified key issues of the implementation of YourPlay, including:

- Very low usage:
 - Comprised 0.01% of gaming machine turnover in hotels and clubs⁶⁸
 - In the casino, limits chosen are frequently too high to be realistically binding. Daily spending limits of more than \$1 million have been reported as common.⁶⁹
- Hotels and clubs not complying with requirements of YourPlay:
 - YourPlay was only offered in 31% of visits when joining loyalty programs⁷⁰
- Poor cost effectiveness:
 - Cost per patron for the harm reduction benefits was \$1,162.55.
- High loss limits set by patrons leading to diminished harm reduction benefits.⁷¹

A set of 23 recommendations were outlined in the *Evaluation of YourPlay Final Report* to address these issues, which include:

- YourPlay be set to opt-out for linked loyalty schemes
- funding a communications strategy to improve the awareness of YourPlay
- developing options to better incentivise YourPlay use by patrons and venues.⁷²

The Department intends to consult with the Victorian Responsible Gambling Foundation and the Victorian Commission for Gambling and Liquor Regulation to implement the recommendations outlined in the YourPlay evaluation report.⁷³ The timeline for the implementation of the recommendations is not clear.

However, as at January 2022, the Victorian Government passed legislation acting on nine of the 33 recommendations made on the Victorian Royal Commission into the Casino Operator and Licence, which have some similarities in enhancing harm minimisation measures, to those in the YourPlay Evaluation Report.⁷⁴

The relevant critical issues arising from the Nova Scotian MPS include:

- In a 2014 news release, the responsible Minister, Andrew Younger, stated:

⁶⁷ Department of Justice and Community Safety, [Pre-commitment Discussion Paper](#), 2011. Accessed 10 February 2022

⁶⁸ Steve Whetton et al., op. cit., p i

⁶⁹ [YourPlay – Victoria's pre-commitment scheme](#), Department of Justice and Community Safety website. Accessed 20 January 2022

⁷⁰ Ibid., p i

⁷¹ Ibid., p ii, xv

⁷² Ibid., p ii-iv

⁷³ [YourPlay – Victoria's pre-commitment scheme](#), Department of Justice and Community Safety website. Accessed 20 January 2022

⁷⁴ Josh Gordon, [Plans to cut Crown pokie players' losses on ice amid feasibility fears](#), The Age website. Accessed 27 January 2022

- 'While the My-Play System may have been a reasonable attempt to improve responsible gaming features on VLTs, in the end, it did not reduce play by people with gambling addictions, and in fact, the vast majority of play sessions didn't even use the main features of the product.'⁷⁵
- the main features of the MPS include responsible gambling features such as time and spending limit setting, and player activity statements
- this shows a distinct failure of the system to achieve the harm minimisation goals outlined by the Nova Scotian Government.
- Issues with the data being used to evaluate the outcomes of the voluntary and mandatory phases of the implementation of the MPS arising from:
 - Delays in rolling out the voluntary and mandatory phases of the MPS:
 - ♦ disrupting the data collection approach and timelines leading to lags between surveys⁷⁶
 - ♦ loss of participants over time which '...impacted the generalizability of results'⁷⁷
 - The system provider losing 9 months of data during the voluntary evaluation period⁷⁸
- Focus group research undertaken by the Nova Scotia Gaming Corporation (NSGC) during the mandatory phase of the MPS showed that player perceptions of the system '*...were quite negative*'.⁷⁹
- Issues arising from players and venues not complying with the system:
 - 'Players were sharing cards, as well as carrying multiple cards and disposing of them in a public way (i.e., garbage cans, littering the floors, or leaving them at the machines).
 - Furthermore, despite compliance testing efforts, some establishments left pre-enrolled cards at the terminal for all players to use, which was against operating policies.
 - With the large majority of players using the light enrolment option and multiple cards, it was increasingly difficult to interpret the systems data.'⁸⁰

It was also impossible to evaluate the benefits of a voluntary vs. mandatory MPS, as the mandatory light enrolment option was essentially the same as having the voluntary option.'⁸¹

The critical implementation issue arising from Nevada (United States) appears to be balancing reforms to support new technology with that of the potential impact on gamblers, as demonstrated by Sandra Morgan, the Nevada Gaming Control Board Chairperson. She said of the implementation of cashless wagering systems, '*I've been pretty public saying that I'm open to looking at new ways that technology can help attract new customers and be beneficial for not only the industry, but even for responsible gaming measures as well.*'⁸²

Widespread industry development of cashless wagering systems in Nevada following the regulatory changes to the Nevada legislation and the publishing of technical standards to allow for the use of cashless wagering systems⁸³ indicates that there is likely to be benefits to the operators of the new

⁷⁵ Nova Scotia Provincial Lotteries and Casino Corporation, [Government to Remove My-Play System from VLTs](#). Accessed 24 January 2022

⁷⁶ Responsible Gambling Council Centre for the Advancement of Best Practices, op. cit., p 9

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid., p 10

⁸¹ Ibid., p 10

⁸² Richard N. Velotta, [Nevada commission considers regulations for more cashless gaming](#), Las Vegas Review-Journal. Accessed 27 January 2022

⁸³ Howard Stutz, [Nevada Gaming Commission approved regulation allowing cashless registration](#), The Nevada Independent. Accessed 27 January 2022

systems. However, there are suggestions, such as those by Keith Whyte, that cashless wagering systems are likely to negatively impact gamblers.⁸⁴

Outcome 6: Evidence of potential costs associated with implementing these technologies (where reasonably identifiable)

Information regarding costs associated with implementing PCG technologies were mostly unavailable. However, some information for the Victorian and Nova Scotia systems indicated costings.

The estimated total costs of the Victorian YourPlay scheme comprised the following costs incurred from 2014/15 to 2018/19:

- \$5,996,110.32 incurred by the Victorian Government:
 - Comprising staff implementation costs, software costs, communication strategy, evaluation and YourPlay days.⁸⁵
- \$58,837,589.92 incurred by the gaming industry:
 - Comprising pre-commitment system fees, costs to purchase card reader and kiosks, staff training costs and staff time to register players.⁸⁶
- \$2,339,417.88 incurred by gamblers:
 - Comprising time value of registering and inserting card and using a PIN.⁸⁷

Nova Scotia – The total cost of the MPS was \$CAD19,500,000⁸⁸, comprising:

- \$CAD13,100,000 in capital costs
- \$CAD6,400,000 in costs related to developing and operating the system.⁸⁹

Costing information was not identified for New Zealand, Norway, Sweden, Nevada (United States), South Australia, Queensland or NSW.

⁸⁴ Victorian Responsible Gambling Foundation, [What is the impact of cashless gaming on gambling behaviour and harm?](#), 2020, p 64. Accessed 27 January 2022

⁸⁵ Steven Whetton, et al, op. cit., p 120

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Equivalent to approximately AUD\$21.5million (as of 9 February, 2022)

⁸⁹ Canadian Broadcasting Corporation, [VLT cards that track gambling habits abandoned in Nova Scotia](#), 2014. Accessed 24 January 2022

Appendix A. Detailed Research

Facial recognition technology

Global scan

Table 3: Global scan of facial recognition technologies

Research question	Facial Recognition Technology
Outcome 1: Global environmental scan	
What are the technology options available?	<p>Facial recognition technology (FRT) is being used by governments, businesses and people in many applications which include digitally accessing information, policing and travel / immigration in addition to gambling.^{90 91}</p> <p>There is a range of facial recognition systems in use but fundamentally facial recognition systems compare two images. This can comprise an 'active' image with a 'control' image.</p> <p>To illustrate, FRT used in licensed gaming venues in South Australia is defined as '<i>...a biometric technology capable of identifying or verifying a natural person using a digital image or a video frame captured from a fixed video source.</i>'⁹²</p>
What are the broad parameters / components of each option?	<p>The widespread adoption and use of FRT has led to many permutations and combinations of their components and parameters.</p> <p>Fundamentally, a facial recognition system comprises:</p> <ul style="list-style-type: none"> • an imaging device • control information • a comparison system. <p>Imaging devices include digital cameras, video surveillance cameras, thermal imaging cameras and drones.^{93 94}</p>

⁹⁰ [Facial Recognition Technology, Current and Planned Uses by Federal Agencies](#), United States Government Accountability Office. Accessed 14 December 2021

⁹¹ [Designing an ethical, socially accountable facial recognition system: A vision from Thales](#), Thales Group. Accessed 14 December 2021

⁹² [Gambling Administration Guidelines - Facial Recognition System Providers](#), Consumer and Business Services. Accessed 14 January 2022

⁹³ Professor Pete Fussey and Dr. Daragh Murray, [Independent Report on the London Metropolitan Police Service's Trial of Live Facial Recognition Technology](#), Essex University Human Rights Centre, p 5. Accessed 13 December 2021

⁹⁴ Meredith Van Natta, Paul Chen, Savannah Herbek, Rishabh Jain, Nicole Kastelic, Evan Katz, Micalyn Struble, Vineel Vanam, Niharika Vattikonda, [The rise and regulation of thermal facial recognition technology during the COVID-19 pandemic](#), Journal of Law and the Biosciences, 2020, p 5-6. Accessed 13 December 2021

Control information includes biometric passports⁹⁵, images from social media or video surveillance footage.⁹⁶

The comparison system is used to compare and analyse the taken image with the control image and any other relevant information. An example would include video-based facial recognition systems, such as the one described by Thales⁹⁷, that uses algorithms to detect, track and recognise faces.

There is a wide range of FRT systems in use across a variety of applications, including in relation to gambling. To illustrate, see the examples of FRT systems in Table 4.

Table 4: Examples of FRT systems

Jurisdiction	FRT example
South Australia	<p>South Australia has implemented a framework for the use of FRT in hotels, clubs and the casino.</p> <p>Licensed gaming venues that operate at least 30 EGMs (with at least one being fitted for a note acceptor) must operate a facial recognition system.</p> <p>Venues can choose their facial recognition system from a list of approved providers and systems. Approved facial recognition systems vary in that they can be used with existing CCTV infrastructure or be entirely separate, such as cloud-based comparison systems using specialised cameras.⁹⁸</p> <p>Further details are available in Table 7.</p>
Queensland	<p>Approved ID scanning equipment is being used in some licensed venues in Queensland. While this system is not facial recognition, it does have some similar characteristics.</p> <p>The systems comprise an ID scanner (imaging device) that has character recognition to read the person's name and date of birth on their identification (control information) and compares (comparison system) the identification '<i>...against a database of individuals who are subject to a banning order</i>' (control information).⁹⁹</p>
International / Australia	<p>Face ID is being used to facilitate gambling in Australia. For example, online betting agencies operating in Australia, such as Sportsbet, allow their users to use Face</p>

⁹⁵ [Biometrics](#), Department of Home Affairs (Australian Government) website. Accessed 14 December 2021

⁹⁶ Mark Andrejevic and Neil Selwyn, [Facial recognition technology in schools: critical questions and concerns](#), Learning, Media and Technology, 2020, p 2. Accessed 13 December 2021

⁹⁷ [Video-based facial recognition – Thales Facial Recognition Platform](#), Thales website. Accessed 14 December 2021

⁹⁸ [Facial recognition technology](#), Consumer and Business Services website. Accessed 12 January 2022

⁹⁹ Department of Justice and Attorney-General, [Identification scanning system minimum technical requirements](#). Accessed 20 January 2022

		<p>ID in combination with Apple Pay¹⁰⁰ to transfer money to their betting account.¹⁰¹</p> <p>Apple's Face ID technology is a tangible and accessible example of a sophisticated FRT used in several applications including accessing finances and payment authorisation.</p> <p>Face ID is comprised of a TrueDepth camera (imaging device) which captures accurate face data using infra-red projection, among other technologies. The face data is then processed into a mathematical representation of the users face and is then compared (comparison system) to the enrolled facial data (control information).¹⁰²</p>
	International	<p>Automated border control systems are used in airports worldwide by the European Union and variety of countries, such as the United States of America, Australia, Hong Kong.¹⁰³</p> <p>They comprise cameras installed in small kiosks inside electronic gates and take high-quality images of the person to compare against their passport.¹⁰⁴</p>

Jurisdictional Analysis

Queensland

Table 5: ID scanning technology used in Queensland licensed venues

Research question	ID scanning technology
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>Facial recognition technology is not used in ID scanning equipment approved for use in licensed venues.</p> <p>The Queensland Government has implemented ID scanning technology as a tool to assist specified licensed venues in identifying individuals subject to a liquor related banning order.¹⁰⁵</p> <p>The approved ID scanners must be used by licensed venues operating in safe night precincts that trade after midnight. Importantly, approved ID scanners can be used by licensed premises not required to install them.¹⁰⁶</p>

¹⁰⁰ Apple Pay allows users to make purchases using their credit or debit card held in a digital wallet on their phone

¹⁰¹ [What is Apple Pay? How do I deposit with Apple Pay?](#), Sportsbet website. Accessed 14 December 2021

¹⁰² [About Face ID advanced technology](#), Apple support website. Accessed 14 December 2021

¹⁰³ Jose Sanchez del Rio, Daniela Moctezuma, Cristina Conde, Isaac Martin de Diego and Enrique Cabello, [Automated border control e-gates and facial recognition systems](#), Computers & Security, 2016, p 1. Accessed 13 December 2021

¹⁰⁴ Ibid.

¹⁰⁵ [ID scanning in licensed venues](#), Business Queensland website. Accessed 19 January 2022

¹⁰⁶ Ibid.

	<p>There are three approved system providers who provide approved ID scanning equipment to licensed venue operators (see Table 6) in Queensland.</p> <p>Table 6: Queensland approved operators and approved ID scanning equipment</p> <table> <tr> <th>Approved operator ¹⁰⁷</th><th>Approved ID Scanning equipment ¹⁰⁸</th></tr> <tr> <td>Scantek Solutions Pty Ltd</td><td>Details not publicly available</td></tr> <tr> <td>Infosign Pty Ltd</td><td>Details not publicly available</td></tr> <tr> <td>IDU Technologies Pty Ltd</td><td>Details not publicly available</td></tr> </table>	Approved operator ¹⁰⁷	Approved ID Scanning equipment ¹⁰⁸	Scantek Solutions Pty Ltd	Details not publicly available	Infosign Pty Ltd	Details not publicly available	IDU Technologies Pty Ltd	Details not publicly available
Approved operator ¹⁰⁷	Approved ID Scanning equipment ¹⁰⁸								
Scantek Solutions Pty Ltd	Details not publicly available								
Infosign Pty Ltd	Details not publicly available								
IDU Technologies Pty Ltd	Details not publicly available								
What are the technology's broad parameters / components?	<p>The approved ID scanning equipment broadly comprises:</p> <ul style="list-style-type: none"> An ID scanner terminal (IST): <ul style="list-style-type: none"> 'A device that is capable of scanning a person's identification and provides user functionality.' ¹⁰⁹ A local venue host (LVH ¹¹⁰): <ul style="list-style-type: none"> 'A device that serves as the central point of communication for ISTs in a venue.' ¹¹¹ Central host (CH): <ul style="list-style-type: none"> 'A device/server that communicates with venue LVHs and the Queensland Government Data Centre. A CH can only be operated by an approved operator.' ¹¹² <p>When an ID is scanned:</p> <ul style="list-style-type: none"> An IST scans the photo ID presented to the terminal operator and records patron scan data. <ul style="list-style-type: none"> Patron scan data comprises '[a] person's full name, date of birth and the photograph of the identification holder as displayed on their identification document.' ¹¹³ Checks the full name and date of birth '...against a database of individuals who are subject to a banning order'. ¹¹⁴ <p>Both the ID scanning system and venue staff notify the Queensland Police Service if a person subject to a banning order is positively identified attempting to enter the licensed venue. ¹¹⁵</p>								

¹⁰⁷ [Approved operators and equipment](#), Business Queensland website. Accessed 19 January 2022

¹⁰⁸ Ibid. Accessed 19 January 2022

¹⁰⁹ Department of Justice and Attorney-General, [Identification scanning system minimum technical requirements](#). Accessed 20 January 2022

¹¹⁰ There can also be combined LST / LVH. Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ [How approved ID scanning systems work](#), Business Queensland website. Accessed 13 December 2021

¹¹⁵ [Banning orders and your venue](#), Business Queensland website. Accessed 15 February 2022

	The approved ID scanning equipment must comply with <i>ID Scanning Minimum Technical Requirements</i> . ¹¹⁶
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The legislative framework for ID scanning was established by the <i>Safe Night Out Legislation Amendment Act 2014</i>¹¹⁷ through the insertion of Part 6AA into the <i>Liquor Act 1992</i>. On 1 July 2017 mandatory operation of approved ID scanning equipment was introduced in licensed venues operating during specified times.</p> <p>The legislative framework is determined by the <i>Liquor Act 1992</i> alongside:</p> <ul style="list-style-type: none"> • Liquor Regulation 2002 • ID Scanning Minimum Technical Requirements¹¹⁸ • Guideline 64: Privacy obligations for establishing and operating identification scanning systems.¹¹⁹ <p>Figure 5 visualises the governance framework resulting from legislation and outlines the relationships between key stakeholders in ID scanning systems.</p> <p>Figure 5: ID scanning system – Qld governance framework</p> <pre> graph TD LV[Licensed Venue] subgraph A [] AIE[Approved ID Scanning Equipment] AISO[Approved ID Scanning System Operator] end subgraph B [] QCC[Queensland Courts] QPS[Queensland Police Service] BOD[(Banning Order Database)] OLGR[Regulator OLGR] end subgraph C [Regulatory/Operational Framework] L[Legislation] MTR[Minimum Technical Requirements] G64[Guideline 64] end LV -- Agreement --> AIE LV -- Agreement --> AISO AIE -- Notifications --> LV AISO -- Notifications --> LV AIE -- Notifications --> BOD AISO -- Notifications --> BOD QCC -- Issue barring orders --> BOD QPS -- Issue barring orders --> BOD OLGR -- Manage --> BOD BOD -- Extract Banned Person Data --> AISO AISO -- Complies with --> C LV -- Register licensee or venue bans --> BOD </pre>
What business practices/requirements are in place?	The key business practices / requirements in place for licensed venues are:

¹¹⁶ Department of Justice and Attorney-General, [Identification scanning system minimum technical requirements](#). Accessed 20 January 2022

¹¹⁷ [Safe Night Out Legislation Amendment Act 2014](#), Part 7

¹¹⁸ Department of Justice and Attorney-General, [Identification scanning system minimum technical requirements](#). Accessed 20 January 2022

¹¹⁹ [Guideline 64: Privacy obligations for establishing and operating identification scanning systems](#), Business Queensland website. Accessed 20 January 2022

	<ul style="list-style-type: none"> patron's IDs must be scanned from 10pm until closing from Friday to Sunday and on public holidays¹²⁰ staff operating the ID scanner must be a licensed crowd controller unless otherwise not required/exempt¹²¹ staff must be trained in the operation of approved ID scanners only specified forms of ID are accepted¹²² venues must comply with the privacy obligation guideline.
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	A report prepared for the Queensland Government investigating alcohol related violence and night time economy monitoring observed that the ID scanner technology improves the ability to enforce banning orders (note that these banning orders refer to liquor rather than gambling). ¹²³
<ul style="list-style-type: none"> In minimising gambling harm 	The system is only used by certain licensed premises and is not used to police gambling areas.
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Implementation issues in relation to processing and software of the ID scanners were identified. In addition, issues related to the training required to operate scanners, rescanning of patrons and the days and times of operation. These weaknesses were identified in a report prepared for the Queensland Government and were not considered significant. ¹²⁴
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	The system as currently implemented does not apply to gambling. However, the introduction of scanners corresponded with an increase in the number of licensed liquor venues with patrons queueing for entry, due to the increased time required to process patrons for entry. ¹²⁵
Outcome 5: Implications or potential traps	

¹²⁰ [Licensee requirements for scanning a person's ID](#), Business Queensland website. Accessed 19 January 2022

¹²¹ [Operational requirements for networked ID scanning](#), Business Queensland website. Accessed 19 January 2022

¹²² Ibid. Accessed 20 January 2022

¹²³ Professor Peter Miller, et al., [Queensland Alcohol-related violence and Night Time Economy Monitoring \(QUANTEM\): Final Report](#), Deakin University, 2019, p 534, 561, 563. Accessed 21 January 2022

¹²⁴ Ibid., p 540. Accessed 21 January 2022

¹²⁵ Ibid., p 562. Accessed 21 January 2022

What are the critical implementation issues or concerns?	The cost of ID scanner operation has been flagged as high, as licensed security guards need to be paid for a minimum of four hours. It has been reported that this has resulted in the increase of some venues' security bills by 40 per cent. ¹²⁶
Outcome 6: Potential costs	
What are the implementation costs for the technology:	
<ul style="list-style-type: none"> Capital costs 	<p>The costs of implementing ID scanners to the Queensland Government comprised the following from 2016-17 to 2017-18:</p> <ul style="list-style-type: none"> \$4,253,000 arising from: <ul style="list-style-type: none"> Office of Liquor and Gaming Regulation (OLGR) compliance initiatives and staff costs¹²⁷ \$811,000 arising from: <ul style="list-style-type: none"> ID scanner subsidies paid to venues by OLGR¹²⁸ <p>The costs of implementing ID scanners to industry comprised \$3,347,000 arising from the purchase of ID Scanners (not including the \$811,000 subsidy) from 2016-17 to 2017-18.¹²⁹</p>
<ul style="list-style-type: none"> Operational costs 	
<ul style="list-style-type: none"> Training costs 	

South Australia

Table 7: Facial recognition technology used in relation to South Australian EGMs

Research question	Facial Recognition Technology
Outcome 1: Jurisdictional scan	
What technology options are used?	<p>There are a total of 14,682 gaming machine entitlements¹³⁰ in South Australia, comprising:</p> <ul style="list-style-type: none"> 13,687 for hotels and clubs¹³¹ 995 for the casino.¹³²

¹²⁶ Professor Peter Miller, et al., [Queensland Alcohol-related violence and Night Time Economy Monitoring \(QUANTEM\): Final Report](#), Deakin University, 2019, p 581. Accessed 21 January 2022

¹²⁷ Ibid., p 643

¹²⁸ Ibid., p 643

¹²⁹ Ibid., p 643

¹³⁰ A right to operate a gaming machine

¹³¹ [Register of gaming machine entitlements](#), Consumer and Business Services website. Accessed 27 January 2022

¹³² Section 27AAB of the [Gaming Machines Act 1992](#). Accessed 27 January 2022

	<p>There are five approved system providers who provide facial recognition technology to licensed gaming venue operators (see Table 8) in South Australia.¹³³</p> <p>Table 8: South Australian approved system providers and approved FRT systems</p> <table> <tr> <th>Approved system provider¹³⁴</th><th>Approved FRT Systems¹³⁵</th></tr> <tr> <td>Torutek Limited</td><td>Concern and Guardian Concern and Guardian (Edge)</td></tr> <tr> <td>Vix Vision Pty Ltd</td><td>Imagus Facial Recognition</td></tr> <tr> <td>RealNetworks Australia Pty Ltd</td><td>SAFR</td></tr> <tr> <td>Tekhne Logia Pty Ltd</td><td>NX Witness</td></tr> <tr> <td>Camvex (VIC) Pty Ltd</td><td>Optimum Facial Recognition Solution</td></tr> </table>	Approved system provider ¹³⁴	Approved FRT Systems ¹³⁵	Torutek Limited	Concern and Guardian Concern and Guardian (Edge)	Vix Vision Pty Ltd	Imagus Facial Recognition	RealNetworks Australia Pty Ltd	SAFR	Tekhne Logia Pty Ltd	NX Witness	Camvex (VIC) Pty Ltd	Optimum Facial Recognition Solution
Approved system provider ¹³⁴	Approved FRT Systems ¹³⁵												
Torutek Limited	Concern and Guardian Concern and Guardian (Edge)												
Vix Vision Pty Ltd	Imagus Facial Recognition												
RealNetworks Australia Pty Ltd	SAFR												
Tekhne Logia Pty Ltd	NX Witness												
Camvex (VIC) Pty Ltd	Optimum Facial Recognition Solution												
What are the technology's broad parameters / components?	<p>Approved facial recognition systems in South Australia are '<i>...biometric technologies capable of identifying or verifying a natural person using a digital image or a video frame captured from a fixed video source.</i>'¹³⁶</p> <p>The specific parameters of the technology options are dependent on the approved provider and the scope, features and support for the approved facial recognition system. Both the providers and the systems must meet the requirements outlined in the following guidelines:</p> <ul style="list-style-type: none"> • Gambling Administration Guidelines Facial Recognition System Provider Requirements • Gambling Administration Guidelines Facial Recognition Systems – Gaming Machine Licence • Gambling Administration Guidelines Facial Recognition Systems – Casino Licence.¹³⁷ <p>These guidelines are made under section 17 of the <i>Gambling Administration Act 2019</i> for the purposes of section 40D of the <i>Casino Act 1997</i> and the <i>Gaming Machine Act 1992</i>.</p> <p>The guidelines set the framework for providers and systems within South Australia and allow for a market-based solution to the development of the relevant facial recognition technologies.</p>												
Outcome 2: Where and how													
What is the regulatory framework that applies?	<p>The South Australian parliament passed legislation in 2019 to require certain gaming machine venues and the Casino to operate FRT to identify barred patrons.</p> <p>Specifically, FRT reforms comprised:</p>												

¹³³ [Facial recognition technology](#), Consumer and Business Services website. Accessed 12 January 2022

¹³⁴ Ibid. Accessed 12 January 2022

¹³⁵ Ibid. Accessed 12 January 2022

¹³⁶ Consumer and Business Services, [Gambling Administration Guidelines - Facial Recognition System Providers](#), p2. Accessed 14 January 2022

¹³⁷ [Gambling Administration Guidelines](#), Consumer and Business Services website. Accessed 12 January 2022

	<ul style="list-style-type: none"> • Requiring venues that operate 30 or more gaming machines (with at least one of them having a bank note acceptor) were required to install approved facial recognition systems. - venues that did not meet this requirement are still able to install approved facial recognition systems. • Requiring the casino licensee to install and operate an approved facial recognition system in the gaming areas of the licensed casino. <p>The regulatory framework in place in South Australia regarding FRT comprises:</p> <ul style="list-style-type: none"> • Gambling Administration Act 2019 (the GAA) • Gaming Machines Act 1992 (the GMA) • Gaming Machines Regulations 2020 (the GMR) • Casino Act 1997 (the CA) • Casino Regulations 2013 (the CR). <p>Section 40D under both the CA and the GMA enables the Commissioner to approve a facial recognition system for use in the casino or hotels and clubs if the facial recognition systems meet the technical requirements for such systems as outlined in the guidelines.</p> <p>A key interaction of any approved facial recognition system is with the Barring and Online Employee Notification¹³⁸ system. Through venue staff, BOEN can allow patrons to be excluded from one or many venues but not be barred from gambling venues state-wide.</p> <p>A barring order can also be made at the request of a third party if the licensee or the Commissioner is satisfied that the person is at risk of harm from gambling or is at risk of causing harm to a family member of the person, because of gambling.</p>
What business practices/ requirements are in place?	<p>Approved facial recognition systems are an additional tool for venues to employ that complements their existing business practices and requirements.</p> <p>Approved system providers are responsible for the installation of the facial recognition system in the licensed gaming venue and must ensure the system is installed in the premises meets the following installation requirements.</p> <p><i>'A device or devices installed or utilised by the system to capture the facial image of a person entering or who has entered the gaming area must be located on the licensed premises / casino premises:</i></p> <ul style="list-style-type: none"> • in such a manner which affords the best opportunity for the facial image of each person entering or who has entered the gaming area to be captured; and • be positioned to allow for changes in external and internal lighting conditions or where poor lighting conditions are generally present'.^{139 140}

¹³⁸ SQLServer2016 Enterprise Edition SP2

¹³⁹ Consumer and Business Services, [Gambling Administration Guidelines Facial Recognition Systems – Gaming Machine Licence](#), p 5. Accessed 17 January 2022

¹⁴⁰ Consumer and Business Services, [Gambling Administration Guidelines Facial Recognition Systems – Casino Licence](#), p 4. Accessed 17 January 2022

	<p>For systems installed in the casino, approved providers must also ensure the installation is undertaken by a special employee or someone under the supervision of a special employee.¹⁴¹</p> <p>Under the Casino Act 1997, a special employee means a person employed or appointed by the licensee to carry out any of the following duties in respect of operations under the casino licence:</p> <ul style="list-style-type: none"> (a) conducting authorised games (b) handling, dealing with and accounting for money or gambling chips in the casino premises (c) exchanging money or chips for casino patrons (d) security and surveillance of the casino premises (e) operating, maintaining, constructing or repairing equipment for gambling (f) duties relating to intervention programs for patrons adversely affected by, or at risk of harm from, gambling (g) duties relating to the operation and conduct of gambling in premium gaming areas, including premium player attraction programs (h) accounting (i) supervising the carrying out of the duties in paragraphs (a) to (h) (j) any other duties related to the operations under the casino licence specified by the Commissioner for the purposes of this definition and notified to the licensee.
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	Research did not identify information to address this issue
<ul style="list-style-type: none"> In minimising gambling harm 	Research did not identify information to address this issue
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue

¹⁴¹ Ibid, p 4. Accessed 17 January 2022

Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>The critical implementation issue facing CBS was how venue staff dealt with potentially barred persons who may or may not have entered the gaming area.¹⁴² The issue was resolved by the Commissioner issuing new gaming machine licence conditions which:</p> <ul style="list-style-type: none"> • Outlined a procedure detailing the in-venue management of suspected barred person.¹⁴³ • Requiring venues ensure devices that receive BOEN notifications are not visible to the general public.¹⁴⁴
Outcome 6: Potential costs	
What are the implementation costs for the technology:	
• Capital costs	Research did not identify information to address this issue
• Operational costs	Research did not identify information to address this issue
• Training costs	Research did not identify information to address this issue

Japan

Table 9: Facial recognition technology used in relation to Japanese EGMs

Research question	Facial Recognition Technology
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>There were 2.43 million pachinko gaming machines in Japan in 2020.¹⁴⁵</p> <p>Currently, casinos do not operate in Japan. The Japan Casino Regulatory Commission, that oversees the regulation of gambling in Japan, is working</p>

¹⁴² Consumer and Business Services South Australia, [Gambling reform update](#), p 1. Accessed 14 January 2022

¹⁴³ Ibid, p 2

¹⁴⁴ Ibid, p 2

¹⁴⁵ Alexandru Arba, [Number of pachinko gaming machines in Japan from 2011 to 2020](#), Statista website. Accessed 27 January 2022

	<p>towards the operation of new Integrated Resorts (including Casinos) in Japan.¹⁴⁶ As such, any implementation of facial recognition technologies in Casinos is proposed and may proceed only if Casinos are established.</p> <p>Melco Resorts Japan did indicate in 2018 that it intended to use MelGuard facial recognition technology.¹⁴⁷</p> <p>Desktop research was not able to identify the range of available facial recognition technologies planned across gambling venues in Japan.</p>
What are the technology's broad parameters / components?	<p>The MelGuard system involves venue attendees being issued with membership cards. Upon arrival at the venue, the system verifies the individual electronically using fingerprints and facial recognition technology. Once verification is confirmed, the person is permitted to enter the venue.¹⁴⁸</p>
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The Japan Casino Regulatory Commission oversees the regulation of casinos and other gambling venues in Japan.</p> <p><i>Basic Act on Countermeasures for Gambling Addiction</i> was enacted in 2018. It requires that a list of issues be examined in relation to gambling activity, including the restriction of betting by problem gamblers.^{149 150}</p> <p>This Act covers 'straightforward' gambling and pachinko.¹⁵¹ The Japanese Government has proposed the installation of facial recognition systems at pachinko parlours (similar to gaming machine venues), boat and horseracing venues to minimise gambling harm.^{152 153}</p> <p>Conceptually, under the Government's proposals, the FRT will be introduced to aid in barring excluded patrons and minors (persons under 20) 'make it possible to refuse entry of verified gambling addicts and minors (under the age of 20)'.¹⁵⁴</p>
What business practices/requirements are in place?	<p>While not yet implemented, a biometrics-based casino security solution system proposed to be introduced by Melco Resorts Japan is envisaged to include a national database of excluded individuals, shared amongst licensed casino operators in the country.¹⁵⁵</p>

¹⁴⁶ [Shintaro Kamimura, Japan Casino Regulatory Commission provides new details on regulatory approach.. Accessed 16 February 2022](#)

¹⁴⁷ Staff writer, [Melco Shows Off Biometric Technology for Casino Security in Japan Ahead of Licensure Pitch](#), Casino.org website. Accessed 26 January 2022

¹⁴⁸ Ibid.

¹⁴⁹ [Summary of Basic Act on Countermeasures for Gambling Addiction](#), Anderson Mori & Tomotsune website. Accessed 21 January 2022

¹⁵⁰ [Japan: Basic Act on Countermeasures Against Gambling Addiction Enacted](#), Library of Congress website. Accessed 21 January 2022

¹⁵¹ [Summary of Basic Act on Countermeasures for Gambling Addiction](#) Anderson Mori & Tomotsune website. Accessed 21 January 2022

¹⁵² Nathan Joyes, [Japan wants facial recognition at gambling establishments](#), Gambling Insider website. Accessed 20 January 2022

¹⁵³ [Gov't plans to use facial recognition system to help prevent gambling addiction](#), Japan Today website. Accessed 26 January 2022

¹⁵⁴ Ibid.

¹⁵⁵ Stephen Mayhew, [Melco Resorts Japan introduces biometrics-based casino security solution](#), Biometric Update website. Accessed 24 January 2022

	<p>In 2019, the introduction of the system was summarised as follows:</p> <p><i>'The proposition is aimed at keeping verified problem gamblers and underaged people (less than 20 years old) out of gaming venues, by storing images of their faces in the system by their own request or their families'. Furthermore, they have suggested to remove ATM machines from pachinko parlours.</i></p> <p><i>The intended measure will be turned to the public in order to get their feedback before March 27. Should they support the proposal, the government plans to create a properly finalised policy for the nation's public gambling facilities before May and set the infrastructure by 2021'.¹⁵⁶</i></p> <p>The Japan Casino Regulatory Commission published a set of draft casino regulations, part of which included entry regulation:</p> <p><i>'Entry for Japanese citizens and foreign citizens living in Japan will require presentation of a My Number Card, while foreign visitors will be required to present a passport. This will allow casinos to identify those who are barred from entry. Regarding surveillance via patrol and surveillance cameras, the regulations stipulate operators must "make efforts to install the latest technology", suggesting facial-recognition systems will be commonplace'.¹⁵⁷</i></p>
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	Research did not identify information to address this issue
<ul style="list-style-type: none"> In minimising gambling harm 	Research did not identify information to address this issue
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on	Research did not identify information to address this issue

¹⁵⁶ [Japan to set facial recognition systems in gaming venues](#), Focus Gaming News website. Accessed 24 January 2022

¹⁵⁷ Shintaro Kamimura, [Picking Apart Japan's Casino Regulations](#), Inside Asian Gaming website. Accessed 24 January 2022

the extent of these impacts?	
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue
Outcome 6: Potential costs	
What are the implementation costs for the technology:	
• Capital costs	Research did not identify information to address this issue
• Operational costs	Research did not identify information to address this issue
• Training costs	Research did not identify information to address this issue

Macau

Table 10: Facial recognition technology used in relation to Macau EGMs

Research question	Facial Recognition Technology
Outcome 1: Jurisdictional scan	
What technology options are available?	There were 8,906 slot machines in Macau casinos in 2020. ¹⁵⁸ It appears that two or three casinos in Macau were testing the operation of facial recognition technology in 2019. However, it is not clear what technologies were being used. ¹⁵⁹
What are the technology's broad parameters / components?	Research did not identify information to address this issue
Outcome 2: Where and how	

¹⁵⁸ Lai Lin Thomala, [Number of slot machines in casinos in Macao from 2010 to 2020](#), Statista website. Accessed 27 January 2022

¹⁵⁹ Newsdesk, [Half of Macau casino ops testing face recognition tech](#), GGR Asia website. Accessed 27 January 2022

What is the regulatory framework that applies?	The Directorate for Gaming Inspection and Coordination in the Macau Special Administrative Region is responsible for gambling policy, the implementation of its policy, as well as the regulation, supervision and coordination of the operation [of] gaming activities. ¹⁶⁰ It was reported in 2019 that Macau's casino operators may be required to upgrade their in-house surveillance technology to include facial recognition, and that this requirement may be included in gaming law for Macau. ¹⁶¹
What business practices/requirements are in place?	Research did not identify information to address this issue
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	Research did not identify information to address this issue
<ul style="list-style-type: none"> In minimising gambling harm 	Research did not identify information to address this issue
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue

¹⁶⁰ [Gaming Inspection, and Coordination Bureau. Macao SAR](#), Direcção de Inspeção e Coordenação de Jogos website. Accessed 27 January 2022

¹⁶¹ Newsdesk, [Face recognition mulled for Macau casino ops: police](#), GGR Asia website. Accessed 27 January 2022

Outcome 6: Potential costs	
What are the implementation costs for the technology:	
• Capital costs	Research did not identify information to address this issue
• Operational costs	Research did not identify information to address this issue
• Training costs	Research did not identify information to address this issue

New Zealand

Table 11: Facial recognition technology used in relation to New Zealand EGMs

Research question	Facial Recognition Technology
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>As at September 2021, 14,704 EGMs were operated in New Zealand.¹⁶²</p> <p><i>Prima facie</i>, there are two FRT systems that have been deployed in New Zealand, The Guardian and The Guardian Edge. These systems were developed by a partnership between Torutek Limited and COMS Systems Limited.</p> <p>Development and implementation of this system are industry led rather than being government mandated.¹⁶³</p> <p>According to Paul Andrew, COMS Systems director, the system is ‘...an additional measure on top of the industry’s already stringent harm minimisation measures.’¹⁶⁴</p>
What are the technology’s broad parameters / components?	<p>The Guardian and the Edge variant are essentially the same system sold at two different price points and have different installation, equipment and features.</p> <p>Broadly, The Guardian and Guardian Edge are FRT systems that compare images extracted from a live video feed and compared (using their cloud-based comparison system) to those on the database of excluded problem gamblers (CONCERN).¹⁶⁵ CONCERN is administered by the Ministry of Health.¹⁶⁶</p>
Outcome 2: Where and how	

¹⁶² [GMP Quarterly Dashboard September 2021](#), Data.govt.nz website. Accessed 27 January 2022

¹⁶³ Gaming Machine Association of New Zealand, [New Zealand gaming industry unveils world-first facial recognition technology to help problem gamblers](#), Gaming Machine Association of New Zealand website. Accessed 20 January 2022

¹⁶⁴ Ibid.

¹⁶⁵ [The Guardian – Facial Recognition System](#), COMS Systems website. Accessed 20 January 2022

¹⁶⁶ [Multi-Venue Exclusion \(MVE\)](#), National MVE Administrator website. Accessed 27 January 2022

What is the regulatory framework that applies?	<p>Facial recognition technology can be used in New Zealand without the approval of the Secretary of the Department of Internal Affairs (the Department).</p> <p>Gaming machine operators are required to ensure that its costs are 'actual, reasonable and necessary' under the <i>Gambling Act 2003</i>. Consequently, the Department assesses whether the costs of installing FRT in venues is commensurate with the benefits obtained by using it.</p> <p>The FRTs in operation in New Zealand alert staff to the presence of problem gamblers by screening persons entering the gaming area.</p> <p>Therefore, FRT reduces the burden on venue staff to identify and check for excluded patrons.¹⁶⁷ Accordingly, FRT augments the existing barring requirements outlined in Part 4, subpart 2 of the <i>Gaming Act 2003</i>.</p>
What business practices / requirements are in place?	There are no regulatory requirements relating to the use of FRT in gambling venues. Venues need to operate the facial recognition system in accordance with the operator's manual. ¹⁶⁸
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	According to SkyCity Chief Operating Officer, Michael Ahearne, The Guardian systems installed have been working 'really well' and that the number of false positives ' <i>...have been quite low.</i> ' ¹⁶⁹
<ul style="list-style-type: none"> In minimising gambling harm 	<p>According to the Chief Executive of Christchurch Casino, Brett Anderson, '<i>we have been looking at [an] 88 percent success rate over a recent two-month period</i>'¹⁷⁰ in relation to the facial recognition system used to detect voluntarily excluded persons.</p> <p>It has been reported that facial recognition technology has been successfully trialled at several gaming venues in New Zealand.¹⁷¹</p> <p>No evidence was identified.</p>
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of	Research did not identify information to address this issue

¹⁶⁷ Gaming Machine Association of New Zealand, op. cit.

¹⁶⁸ Torutek Limited and COMS Systems Limited, [The Guardian Facial Recognition System Operators Manual](#). Accessed 20 January 2022

¹⁶⁹ George Block, [The quiet creep of facial recognition systems into New Zealand life](#), Stuff website. Accessed 20 January 2022

¹⁷⁰ Ibid.

¹⁷¹ New Zealand Community Trust, [Facial recognition technology to help problem gamblers](#), SCOOP Business website. Accessed 20 January 2022

the extent of these weaknesses?	
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>The critical implementation issue for the FRT system is the cost of purchasing, installing and operating the system, particularly for venues operating a small number of EGMs.^{172 173}</p> <p>A salient consideration from a regulatory perspective is that there appears to be no governmental oversight of the operation of the system.</p>
Outcome 6: Potential costs	
What are the implementation costs for the technology:	
<ul style="list-style-type: none"> Capital costs 	<p>The cost for venues to install a Guardian system depends on the number of cameras and the type of system chosen. The initial hardware costs for:</p> <ul style="list-style-type: none"> The Guardian system comprises: <ul style="list-style-type: none"> 2 to 6 camera systems cost between \$NZ17,918.28 to \$NZ31,278.48.¹⁷⁴ The Guardian Edge system comprises: <ul style="list-style-type: none"> 1 to 6 camera systems cost between \$NZ10,545.00 and \$NZ19,170.00.¹⁷⁵ <p>These prices do not include costs for optional upgrades, installation or pre-wiring requirements.</p>
<ul style="list-style-type: none"> Operational costs 	<p>The operational costs of running a Guardian system vary. The monthly fee for:</p> <ul style="list-style-type: none"> The Guardian system comprises:

¹⁷² Katie Scotcher, [Facial recognition tech to help curb problem gambling](#), RNZ website. Accessed 20 January 2022

¹⁷³ Sharon Singleton, [NZ venues trial facial recognition technology](#), Asia Gaming Brief website. Accessed 20 January 2022

¹⁷⁴ COMS Systems Limited, [The Guardian – Information Flyer](#), p 2. Accessed 20 January 2022

¹⁷⁵ COMS Systems Limited, [The Guardian Edge – Information Flyer](#), p 2. Accessed 20 January 2022

	<ul style="list-style-type: none"> - 2 to 6 cameras, \$NZ445.00 to \$NZ825.00.¹⁷⁶ • The Guardian Edge system comprises: <ul style="list-style-type: none"> - 1 to 6 cameras, \$NZ285.00 to \$NZ525.00.¹⁷⁷
• Training costs	No training costs were identified.

United Kingdom

Table 12: Facial recognition technology used in relation to United Kingdom EGMs

Research question	Facial Recognition Technology
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>Between April and September 2020, there was an average of 116,333 gaming machines operated in Great Britain.¹⁷⁸ The number in Northern Ireland could not be determined.</p> <p>Facial recognition providers known to have worked in the UK gambling industry include:</p> <ul style="list-style-type: none"> • the Face Recognition Company (FRC)¹⁷⁹ • NEC Pty Ltd.¹⁸⁰
What are the technology's broad parameters / components?	<p>Broadly, the parameters of the FRT being used in the UK is similar to those found in other jurisdictions. For example, the FRT system offered by FRC comprises a smart camera which records video for AI facial analysis to be undertaken by their system. The system compares the face against a watchlist of face signatures and if a match is found an alert is sent to the user via their phone app.¹⁸¹</p>
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The Gambling Commission is responsible for regulating gambling in Great Britain and administers the <i>Gambling Act 2005</i> and other supporting legislation.¹⁸²</p> <p>It is unclear if facial recognition technology is regulated within the UK gambling legislation framework. Notably, '<i>The regulatory regime governing</i></p>

¹⁷⁶ COMS Systems Limited, [The Guardian – Information Flyer](#), p 2. Accessed 20 January 2022

¹⁷⁷ COMS Systems Limited, [The Guardian Edge – Information Flyer](#), p 2. Accessed 20 January 2022

¹⁷⁸ S. Lock, [Average number of gaming machines across all gambling sectors in Great Britain from April 2010 to September 2020](#), Statista website. Accessed 20 January 2022

¹⁷⁹ [Facial recognition system adopted by responsible gambling provider](#), The Face Recognition Company website. Accessed 20 January 2022

¹⁸⁰ [Facial Recognition Policy](#), Hippodrome Casino London website. Accessed 20 January 2022

¹⁸¹ The Face Recognition Company, [Intelligent Safety brochure](#). Accessed 25 January 2022

¹⁸² [Gambling-related legislation](#), Gambling Commission (Great Britain) website. Accessed 25 January 2022

	<p><i>the use of FRT in the private sector is less extensive than the one for law enforcement agencies.</i>¹⁸³</p> <p>It appears that the licensing conditions may be the basis for regulation regarding the use of FRT in casinos.¹⁸⁴</p> <p>The Department for Communities regulates gambling in Northern Ireland.¹⁸⁵</p> <p>However, the situation in Northern Ireland is likely to be of limited relevance as <i>'In Northern Ireland gambling (other than the National Lottery) is regulated under the Betting, Gaming, Lotteries & Amusements (NI) Order 1985. The legislation is old and complex and has not kept pace with emerging technologies and other changes.</i>¹⁸⁶</p>
What business practices/requirements are in place?	<p>Gaming machine operators, like Hippodrome Casino¹⁸⁷, and their system providers that store biometric data must meet the privacy requirements for biometric data as outlined in the General Data Protection Regulation (GDPR) EU law.¹⁸⁸</p> <p>FRT systems in casinos in the UK are used in conjunction with the Self Enrolment National Self Exclusion (SENSE) scheme and the internal exclusion scheme of the casino to help venue staff exclude excluded persons.¹⁸⁹</p> <p>SENSE is a voluntary, national exclusion scheme operated by the Betting and Gaming Council (BGC) that allows patrons to be excluded from specific venues or all venues.¹⁹⁰</p>
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	Research did not identify information to address this issue
<ul style="list-style-type: none"> In minimising gambling harm 	Research did not identify information to address this issue

¹⁸³ Centre for Data Ethics and Innovation, [Snapshot Paper – Facial Recognition Technology](#), 2020. Accessed 20 January 2022

¹⁸⁴ [Facial Recognition Policy](#), Hippodrome Casino London website. Accessed 20 January 2022

¹⁸⁵ [Betting, gaming, lotteries and amusements](#), Department for Communities (Northern Ireland) website. Accessed 25 January 2022

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Article 6 of the [General Data Protection Regulation \(EU\)](#). Accessed 20 January 2022

¹⁸⁹ [Facial Recognition Policy](#), Hippodrome Casino London website. Accessed 20 January 2022

¹⁹⁰ [Self-exclusion](#), Gambling Commission (Great Britain) website. Accessed 20 January 2022

Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>The perception of how the FRT systems operate is a critical issue to manage. Concerns have been raised in the UK regarding:</p> <ul style="list-style-type: none"> • The use and legality of using facial recognition in popular spaces such as shopping centres, museums and conference centres.^{191 192} • The use of FRT ‘...often without warning visitors’.¹⁹³ • Police trials using facial recognition in a shopping centre which ‘...<i>could have scanned more than 2 million faces</i>’.^{194 195} <p>There is support for the FRT within the gambling industry which see benefits for¹⁹⁶:</p> <ul style="list-style-type: none"> • improving security • identifying minors • preventing fraud • preventing barred players from entering gambling premises.¹⁹⁷ <p>Moreover, the concerns may be overstated. According to Kosta, Steinacker and Meckel, notions of convenience and improved security are foremost concerns for Chinese, Germans, British and Americans – not surveillance and control. In fact, ‘<i>based on an online survey resembling the Internet-</i></p>

¹⁹¹ Damien Gayle, [Privacy campaigners warn of UK facial recognition 'epidemic'](#), The Guardian, 2019. Accessed 20 January 2022

¹⁹² Ed Riley, [Fears privacy for millions faces 'extinction' as it is revealed shopping centres, museums, casinos and public streets now use facial recognition cameras](#), Daily Mail, 2019. Accessed 20 January 2022

¹⁹³ Damien Gayle, op. cit.

¹⁹⁴ Ibid.

¹⁹⁵ Ed Riley, op. cit.

¹⁹⁶ Improving security, identifying minors and preventing fraud were not specifically investigated in this report.

¹⁹⁷ Rhys Gregory, [Gambling Industry has Embraced Facial Recognition Technology](#), Wales 247. Accessed 20 January 2022

	<i>connected population the study shows high levels of approval for FRT across all four countries.</i> ¹⁹⁸
Outcome 6: Potential costs	
What are the implementation costs for the technology:	
<ul style="list-style-type: none"> • Capital costs 	Pricing for FRT systems varies depending on the scope of the system and the systems provider. ¹⁹⁹
<ul style="list-style-type: none"> • Operational costs 	
<ul style="list-style-type: none"> • Training costs 	

¹⁹⁸ Genia Kosta, Léa Steinacker and Miriam Meckel, [Between security and convenience: Facial recognition technology in the eyes of citizens in China, Germany, the United Kingdom, and the United States](#), Public Underst Sci., 2021. Accessed 25 January 2022

¹⁹⁹ [Pricing](#), The Face Recognition Company website. Accessed 20 January 2022

Player card gaming

Global scan

Table 13: Global scan of player card gaming

Research question	Player card gaming
Outcome 1: Global environmental scan	
What are the technology options available?	<p>Research indicates that player card gaming (PCG) systems generally involve three main components.</p> <ul style="list-style-type: none"> • Patron identification: <ul style="list-style-type: none"> - Meaning a patron must register their details to access the card. - It can include identification of excluded persons. • Cashless gaming: <ul style="list-style-type: none"> - Meaning a cashless payment method that can interface with the card. - Includes ticket-in ticket-out (TITO) systems, card based cashless systems, account based systems and mobile / digital wallets. • Pre-commitment tools: <ul style="list-style-type: none"> - Meaning features such as time and expenditure limits, tracking gambling activity and prompting breaks in play. <p>PCG systems can have one or more of these components. However, only those systems that have all three components would meet the expectations of the State Government given the nature of their reference to the Commission.</p> <p>Based on research, it is understood that cashless gaming is not considered to have any innate harm minimisation features as it is simply an alternative payment method to cash. To illustrate:</p> <ul style="list-style-type: none"> • TITO systems essentially replace cash for loading credit into EGMs and receiving winnings • Card based cashless systems can be charged with cash or charged virtually through an online account / wallet and receive winnings on the card. • Digital / mobile wallets allow the user to transfer and withdraw money using a linked card or account. <p>Furthermore, PCG systems can be anonymous or registered to an identified person.</p> <p>PCG systems have been trialled and used in Australia, Canada (Nova Scotia), Norway, Sweden and other countries internationally.²⁰⁰</p> <p>Examples of the types of player card gaming currently in use include:</p>

²⁰⁰ Anna Thomas, Darren Christensen, Julie Deblaquiere, Andrew Armstrong, Sharnee Moore, Rachel Carson and Angela Rintoul [Review of electronic gaming machine pre-commitment features: Limit setting](#), Australian Gaming Research Centre. Accessed 15 December 2021

	<ul style="list-style-type: none"> • The PCG system planned to be trialled in Newcastle, NSW that ‘...is linked to identity [and] a bank account with harm minimisation settings.’^{201 202} • The IGT ADVANTAGE™ system being used in Nevada, USA. <ul style="list-style-type: none"> - This system is digital wallet based and must be able to identify the patron and allow them to set transfer limits.^{203 204} • The account-based cashless gaming system used at SkyCity Adelaide Casino in conjunction with the SkyCity Rewards Card. <ul style="list-style-type: none"> - The account based cashless gaming system has some pre-commitment tools and may identify patrons and works alongside the South Australian voluntary pre-commitment system that is mandatory to allow patrons to use. <p>The research identified that there are a range of client risk management systems used in conjunction with player card gaming. These systems assist in identifying problematic patron gambling behaviour.</p> <p>For example, South Australia has an Automated Risk Monitoring System (ARMS) that monitors gambling activity on gaming machines to detect potentially harmful gambling activity. It is understood that ARMS ‘...is intended to serve as an “early intervention” tool for detecting “at-risk” and problematic behaviour.’²⁰⁵</p>
What are the broad parameters/components of each option?	<p>The main components of PCG systems are outlined in the discussion of the conceptual model above.</p> <p>It was observed that:</p> <ul style="list-style-type: none"> • Player card gaming systems can be used to play on EGMs (or jurisdictional equivalents), automated table games and wagering in addition to table games.^{206 207 208 209} • Not all examples of PCG systems reviewed use all three components outlined in the conceptual model. For example: <ul style="list-style-type: none"> - the My-Play pre-commitment system used in Nova Scotia did not have an cashless gaming component. - the Victorian YourPlay pre-commitment system only assesses the gambling activity of a patron on a gaming machine and does not take into account the payment method used to play.

²⁰¹ Minister for Customer Service and Digital Government, NSW, [First trial of cashless gaming technology](#). Accessed 19 January 2022

²⁰² Ibid.

²⁰³ Newsdesk, [IGT receives full Nevada regulatory approval for cashless gaming solution](#), Inside Asian Gaming website. Accessed 26 January 2022

²⁰⁴ Nevada Gaming Commission, [Technical Standard 3 - Integrity of and Proper Accounting for On-Line Slot Systems and Cashless Wagering Systems](#), p 7. Accessed 15 February 2022

²⁰⁵ Consumer and Business Services South Australia, [Gambling Administration Guideline Automated Risk Monitoring Systems](#), p2. Accessed 18 January 2022

²⁰⁶ [Cashless Gaming](#), GlobalPayments website. Accessed 26 January 2022

²⁰⁷ [Cash Top Up FAQ](#), Sportsbet website. Accessed 26 January 2022

²⁰⁸ Consumer and Business Services South Australia, [Gambling Administration Guidelines Casino Act 1997 – Account Based Cashless Gaming Systems](#), p6-8. Accessed 18 January 2022

²⁰⁹ The Government of Nova Scotia, [Responsible Gaming Strategy 2011](#), p 4. Accessed 24 January 2022

	<ul style="list-style-type: none"> Regulators differ in their approach to the mandatory / voluntary nature of the use of PCG in gaming. For example: <ul style="list-style-type: none"> Using the PCG is mandatory to gamble on EGM equivalents in Nova Scotia, Norway and Sweden. Whereas patrons in the other jurisdictions can choose to use the PCG system. All jurisdictions' PCG systems have the potential to identify patrons, but some jurisdictions, such as VIC, SA, Qld and Nova Scotia, have anonymous options for players to use. PCG systems allow for payment methods independent of the PCG system, such as TITO in SA and VIC. <ul style="list-style-type: none"> In other words, the mechanism used to pay is not always the same as the mechanism used to access pre-commitment. <p>EGMs use communications protocols to communicate usage data to a monitoring system. Communication protocols can be mandated by regulators and accordingly that affects the type and thus features of EGMs used.</p> <p>Gaming machine protocols in use include:</p> <ul style="list-style-type: none"> X-standard (used in NSW)²¹⁰ QCOM (used in Qld, SA, TAS, NT and in VIC gaming venues)²¹¹ ASP (used in VIC Melbourne casino) IGT SAS protocol (widely used internationally).²¹²
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Jurisdictional Analysis

New South Wales

Table 14: Player card gaming used in relation to New South Wales EGMs

Research question	Player card gaming
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>For context, there are approximately 96,000 gaming machines in NSW in 2021.²¹³</p> <p>Cashless gaming technologies in the form of PCG systems have been used in NSW for many years.</p> <p>It is understood that the PCG systems used in NSW are available from Aristocrat Technologies Australia Pty Ltd²¹⁴, International Game</p>

²¹⁰ Liquor & Gaming NSW, [Gaming Machine Communications Protocol Technical Standard](#), 2013. Accessed 19 January 2022

²¹¹ Office of Liquor and Gaming Regulation, [QCOM Protocol](#), Version 1.6.7. Accessed 19 January 2022

²¹² International Game Technology, Slot Accounting System, Protocol Version 6.02, 2005. Document provided by expert consultant

²¹³ Alexandra Smith, [NSW cabinet to consider an extra 100 pokies for Star casino](#), The Sydney Morning Herald website. Accessed 27 January 2022

²¹⁴ [Technology Platforms](#), Aristocrat Gaming website. Accessed 7 February 2022

	<p>Technologies (Australia) Pty Ltd²¹⁵, MAX (Tabcorp Holdings Limited)²¹⁶ and Utopia Gaming Systems.²¹⁷</p> <p>Importantly, the card based gaming systems are a replacement for putting cash into an EGM and do not have harm minimisation features attached.</p> <p>Accordingly, the focus of research has been on the planned trial of a PCG system comprising digital wallet based payment technology and harm minimisation features.</p> <p>Gambling using non-card based cashless systems (i.e. an online wallet) is not legal under NSW legislation but there is a mechanism that allows Liquor & Gaming NSW to undertake trials for technologies that would normally be illegal.</p> <p>The PCG system to be used in the planned trial can be used to play EGMs as well as paying for all club services, such as meals and membership.²¹⁸</p>
What are the technology's broad parameters / components?	<p>The PCG system used in the planned trial will involve a digital wallet that '<i>...is linked to identity, a bank account and with harm minimisation settings.</i>'²¹⁹</p> <p>The harm minimisation parameters available to the user include:</p> <ul style="list-style-type: none"> • money limits • session time limits • information and real-time messaging to patrons and gambling marshals • exclude themselves from the club.²²⁰
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>Gambling in NSW is regulated by the Department of Customer Service through Liquor & Gaming NSW. The key pieces of legislation comprise:</p> <ul style="list-style-type: none"> • Gaming Machines Act 2001 • Gaming Machines Regulation 2019 • Casino Control Act 1992 • Casino Control Regulations 2019. <p>The relevant sections of the legislation regarding the approval of subsidiary equipment for the trial is section 64 of the <i>Gaming Machines Act</i>.</p> <p>The trial itself will comprise:</p> <ul style="list-style-type: none"> • installation and testing of the system at the club • the live trial.²²¹

²¹⁵ [IGT Advantage Club®](#), IGT Australia website. Accessed 7 February 2022

²¹⁶ [Integrated systems](#), MAX website. Accessed 7 February 2022

²¹⁷ [Global Gaming System \(NSW\)](#), Utopia Gaming Systems website. Accessed 7 February 2022

²¹⁸ Minister for Customer Service and Digital Government, NSW Government, [First trial of cashless gaming technology](#). Accessed 19 January 2022

²¹⁹ Minister for Customer Service and Digital Government, NSW Government, [First trial of cashless gaming technology](#). Accessed 19 January 2022

²²⁰ Ibid.

²²¹ Minister for Customer Service and Digital Government, [First trial of cashless gaming technology](#), NSW Government website. Accessed 19 January 2022

	An evaluator (an independent academic researcher) will have access to this data and will provide evaluation of the outcomes of trial to Liquor & Gaming NSW. ²²²
What business practices/requirements are in place?	Research did not identify information to address this issue
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none">From an operational perspective	The planned trial has not yet commenced and accordingly, no evidence has been published regarding its effectiveness from an operational perspective or in minimising harm caused by gambling.
<ul style="list-style-type: none">In minimising harm caused by gambling	
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	The planned trial has not yet commenced and accordingly, no evidence has been published regarding any weaknesses and adverse impacts on recreational gamblers.
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue
Outcome 6: Potential costs	
What are the implementation	

²²² Ibid.

costs for the technology	
• Capital costs	Information on costs is not yet relevant because the trial has not commenced.
• Operational costs	
• Training costs	

Queensland

Table 15: Player card gaming used in relation to Queensland EGMs

Research question	Player card gaming								
Outcome 1: Jurisdictional scan									
What technology options are available?	As at January 2022, there were 40,380 operational EGMs used in 1068 operational sites (hotels and clubs). ²²³								
	The Queensland Government has introduced a legislative framework allowing for the use of the following types of cashless gaming:								
	<ul style="list-style-type: none">• card-based gaming systems (CBGS)• ticket-in ticket-out (TITO).²²⁴								
	Notably, CBGS have harm minimisation features. Therefore, for the purposes of this report, CBGS is considered a PCG system.								
	The high-level components of PCG in QLD are outlined in Table 16.								
	Table 16: QLD player card gaming								
	<table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><ul style="list-style-type: none">• Optional, patrons can be registered or anonymous• CBGS cards must not be registered or issued to excluded persons</td><td><ul style="list-style-type: none">• Player account within CBGS</td><td><ul style="list-style-type: none">• Time and expenditure limits• Maximum balance and transfer limits<ul style="list-style-type: none">- Default amounts for the above limits• Activity statements</td></tr></table>	Patron identification	Cashless gaming	Pre-commitment tools	<ul style="list-style-type: none">• Optional, patrons can be registered or anonymous• CBGS cards must not be registered or issued to excluded persons	<ul style="list-style-type: none">• Player account within CBGS	<ul style="list-style-type: none">• Time and expenditure limits• Maximum balance and transfer limits<ul style="list-style-type: none">- Default amounts for the above limits• Activity statements		
Patron identification	Cashless gaming	Pre-commitment tools							
<ul style="list-style-type: none">• Optional, patrons can be registered or anonymous• CBGS cards must not be registered or issued to excluded persons	<ul style="list-style-type: none">• Player account within CBGS	<ul style="list-style-type: none">• Time and expenditure limits• Maximum balance and transfer limits<ul style="list-style-type: none">- Default amounts for the above limits• Activity statements							
	Notably, TITO is only a cashless gaming payment method that mimics cash and does not include specific harm minimisation tools beyond those of cash								

²²³ [Gaming Statistics – EGM statistics by site type](#), Queensland Government website. Accessed 15 February 2022

²²⁴ [TITO Vs Card Based Gaming – Are You Backing The Right System?](#), DWS Hospitality Specialists website. Accessed 21 January 2022

	<p>whereas CBGS does. Therefore, TITO has not been considered to be a component of PCG.</p> <p>Prior to the legislative changes there were two cashless trials undertaken at the Sandgate and Redcliffe RSL Clubs.²²⁵</p> <p>Notably, <i>'Card-based gaming in Queensland must only be offered in clubs and hotels via the club's or hotel's licensed monitoring operator (LMO) as defined in the Gaming Machine Act and in casinos by the casino operator. This does not prevent LMOs or casino operators from obtaining a CBGS from a third party.'</i>²²⁶</p>
What are the technology's broad parameters / components?	<p>Card-Based Gaming System</p> <p>Broadly, <i>'A CBGS is any system that facilitates the electronic transfer of credits to and from a player account for the purposes of gambling via a player, member, loyalty or other type of card.'</i>²²⁷</p> <p>CBGS can be anonymous or registered accounts. Both account types have similar limits.²²⁸</p> <p>Authorised systems must meet the requirements outlined in Card-Based Gaming Minimum Technical Requirements.</p> <p>Notably, pre-commitment was mandatory for operators to provide and patrons to use under previous versions of the card-based gaming minimum technical requirements in force between 2005 until 2013.</p> <p>The minimum technical requirements for CBGS comprises:</p> <ul style="list-style-type: none"> • System requirements: <ul style="list-style-type: none"> - including limits for CBGS, pre-commitment default values and exclusion.²²⁹ • Hardware: <ul style="list-style-type: none"> - including card reader and encryption requirements.²³⁰ • CBGS host requirements: <ul style="list-style-type: none"> - including system documentation, reporting capabilities and system backup.²³¹ • Data recovery.²³²

²²⁵ Office of Regulatory Policy, [Queensland Card-based Gaming Trials](#), p 6-7. Accessed 21 January 2022

²²⁶ Office of Liquor and Gaming Regulation, [Card-Based Gaming Minimum Technical Requirements](#), p 4. Accessed 21 January 2022

²²⁷ Office of Liquor and Gaming Regulation, [Card-Based Gaming Minimum Technical Requirements](#), p 4. Accessed 21 January 2022

²²⁸ Office of Liquor and Gaming Regulation, [Card-Based Gaming Minimum Technical Requirements](#), p 4. Accessed 21 January 2022

²²⁹ Office of Liquor and Gaming Regulation, [Card-Based Gaming Minimum Technical Requirements](#), p 3, 7-11. Accessed 9 February 2022

²³⁰ Ibid., p3, 11

²³¹ Ibid., p3, 12-13

²³² Ibid., p3, 14

	<p>Ticket-in Ticket-out</p> <p>Broadly, a TITO system is any system that:</p> <ul style="list-style-type: none"> • 'accepts and verifies tickets with a ticket-in reader. Banknote readers frequently double as ticket readers.'²³³ • 'prints tickets in the appropriate format as specified in this document for credits that can be redeemed at cashiers or be inserted back into a TI system.'²³⁴ <p>The minimum requirements for TITO systems in Queensland are outlined in Ticket-in Ticket-out (TITO) Minimum Technical Requirements.</p>
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The relevant legislative framework for both CBGS and TITO is made under:</p> <ul style="list-style-type: none"> • Casino Control Act 1982 (the CCA) • Casino Control Regulation 1999 • Gaming Machine Act 1991 (the GMA) • Gaming Machine Regulation 2002 <p>CBGS and TITO systems are evaluated and approved under the CCA²³⁵ and GMA²³⁶ for use in casinos, hotels and clubs respectively.</p>
What business practices/requirements are in place?	<p>Card-Based Gaming System</p> <p>Casinos, hotels and clubs must ensure that <i>'the card may only be linked to a premises' membership, player account and player loyalty systems if approved by Office of Liquor Gaming Regulator. Cards issued for card-based gaming must only be linked to systems approved for card-based gaming and cannot be linked to other systems such as EFTPOS.'</i>²³⁷</p> <p>Importantly, system providers are not required to offer pre-commitment as part of a CBGS. If, however, they choose to provide pre-commitment, they must comply with the minimum technical requirements – which include default expenditure limits.²³⁸</p> <p>Moreover, if cashless gaming is utilised in CBGS, then maximum balance and maximum transfer limits must be available.²³⁹</p> <p>The minimum technical requirements state that if a patron enrolls for pre-commitment and has not selected the default pre-commitment limits or the cashless gaming limits, the default pre-commitments will apply.²⁴⁰</p> <p>Regarding patrons changing limits:</p>

²³³ Office of Liquor and Gaming Regulation, [Ticket-in Ticket-out \(TITO\) Minimum Technical Requirements](#), p 5. Accessed 21 January 2022

²³⁴ Ibid.

²³⁵ Under section 62 of the *Casino Control Act 1982*

²³⁶ Under section 232 of the *Gaming Machine Act 1991*

²³⁷ Office of Liquor and Gaming Regulation, [Card-Based Gaming Minimum Technical Requirements](#), p 4. Accessed 21 January 2022

²³⁸ Ibid., p 4

²³⁹ Ibid., p 4

²⁴⁰ Ibid., p 9

- 'Increases to previously set player limits may only occur on request by the player and shall take effect no sooner than the next business day of the gaming provider.'²⁴¹
- Decreases to previously set player limits must take effect immediately on request by the player. The new limit must be implemented at the gaming venue immediately. Where the card is a multi-venue card, the decrease is to take effect within 1 hour of the initial request made by the player.'²⁴²

The limits for CBGS outlined in the minimum technical requirements are outlined in Table 17 and the default values for the pre-commitment system are outlined in Table 18.

Table 17: QLD limits for CBGS

QLD CBGS Limits	Registered account detail values	Anonymous account default values
MAXCR - The CBGS must not 'credit' the betting terminal that would cause the machine's credit meter to exceed this value	\$199.99 (Clubs & Hotels) \$9999.99 (Casinos)	\$199.99 (Clubs & Hotels) \$9999.99 (Casinos)
MINTRTIME - Minimum time a card is accepted in a betting terminal	12 Months	2 Days
MINTRCASHIERTIME - Default minimum expire time of a card	12 months	12 months
MAXBAL - Maximum account balance	\$9999.99	\$5000 (Clubs & Hotels ²⁴³) \$9999.99 (Casinos)
MAXTRF - Maximum credit value to transfer to a betting terminal (possible range: \$20 to MAXCR)	\$100	\$100 ²⁴⁴

Table 18: Pre-commitment default values

²⁴¹ Ibid., p 10

²⁴² Ibid., p 10

²⁴³ 'The venue may be able to set their own limits up to MAXBAL'. Ibid., p 16

²⁴⁴ Ibid., p 15

	<table><tr><th>‘Pre-commitment limits</th><th>Default values</th></tr><tr><td>MAXSPEND [Maximum spending limit]</td><td>Default of \$100 with a maximum of MAXBAL</td></tr><tr><td>MAXSESS [maximum session time]</td><td>Default of unlimited (displayed in HH:MM, e.g.00:00)</td></tr><tr><td colspan="2">If pre-commitment has been implemented in a Card Based Gaming System (Cashless System) then the following limits must also be available:</td></tr><tr><td>MAXBAL [Maximum balance]</td><td>Maximum \$9999.99 (Registered Accounts) Maximum \$2000 (Anonymous Accounts)</td></tr><tr><td>MAXTRF [Maximum transfer limit]</td><td>Default of maximum banknote denomination that is accepted by a betting terminal, while respecting MAXCR. (i.e. possible range: \$20 to MAXCR)’²⁴⁵</td></tr></table>	‘Pre-commitment limits	Default values	MAXSPEND [Maximum spending limit]	Default of \$100 with a maximum of MAXBAL	MAXSESS [maximum session time]	Default of unlimited (displayed in HH:MM, e.g.00:00)	If pre-commitment has been implemented in a Card Based Gaming System (Cashless System) then the following limits must also be available:		MAXBAL [Maximum balance]	Maximum \$9999.99 (Registered Accounts) Maximum \$2000 (Anonymous Accounts)	MAXTRF [Maximum transfer limit]	Default of maximum banknote denomination that is accepted by a betting terminal, while respecting MAXCR . (i.e. possible range: \$20 to MAXCR)’ ²⁴⁵
‘Pre-commitment limits	Default values												
MAXSPEND [Maximum spending limit]	Default of \$100 with a maximum of MAXBAL												
MAXSESS [maximum session time]	Default of unlimited (displayed in HH:MM, e.g.00:00)												
If pre-commitment has been implemented in a Card Based Gaming System (Cashless System) then the following limits must also be available:													
MAXBAL [Maximum balance]	Maximum \$9999.99 (Registered Accounts) Maximum \$2000 (Anonymous Accounts)												
MAXTRF [Maximum transfer limit]	Default of maximum banknote denomination that is accepted by a betting terminal, while respecting MAXCR . (i.e. possible range: \$20 to MAXCR)’ ²⁴⁵												
	<p>Ticket-in Ticket-out</p> <p>TITO systems must be provided by an LMO. Furthermore, compliance with requirements relating to pre-commitment systems are only required if a pre-commitment system solution exists for the operator.²⁴⁶</p> <p>Cash redemption terminals (CRTs) and cashiers are an integral part of the system allowing patrons to have access to credit and redeem winnings.²⁴⁷</p>												
Outcome 3: Evidence of effectiveness													
What research outcomes exist that the technology is effective:													
<ul style="list-style-type: none">From an operational perspective	<p>A summary report, <i>Queensland Card-based Gaming Trials</i>, undertaken by the Office of Regulatory Policy, contained a number of key findings from an operational perspective from the two trials undertaken:</p> <ul style="list-style-type: none">venue staff reportedly had positive experiences with the gaming, useability of the CBGS and the support from system providersproductivity gains were only realised by the venue achieving a critical mass of players using the CBGSthe operational benefits from operating a CBGS were uncertain at the Redcliffe RSL.²⁴⁸												

²⁴⁵ Ibid., p 16

²⁴⁶ Office of Liquor and Gaming Regulation, [Ticket-in Ticket-out \(TITO\) Minimum Technical Requirements](#), p 7. Accessed 21 January 2022

²⁴⁷ Ibid, p 9-10

²⁴⁸ Office of Regulatory Policy, [Queensland Card-based Gaming Trials](#), p 6-7. Accessed 21 January 2022

<ul style="list-style-type: none"> In minimising harm caused by gambling 	<p>Trials</p> <p>From a harm minimisation perspective, there were a range of varied issues for harm minimisation arising from the trials including:</p> <ul style="list-style-type: none"> potential to improve the written information given to players about harm minimisation to support cashless card based gaming people who received warnings in relation to their gambling activity reflected on their gambling spend people who used the pre-commitment to set limits decreased their spending on gambling the way information was presented on expenditure statements in the system providers system, SIMPLAY, needed improvement.²⁴⁹
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	<p>Some issues were identified in relation to the trials:</p> <ul style="list-style-type: none"> There were small sample sizes for both trials: <ul style="list-style-type: none"> 66 players at the Sandgate RSL 341 players at the Redcliffe RSL.²⁵⁰ Low uptake of pre-commitment limit setting features: <ul style="list-style-type: none"> 13% of participants set a daily spend limit 28% of Sandgate RSL set a daily spend limit.²⁵¹
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	<p>According to the summary report, the key findings arising from the trials related to players experience included:</p> <ul style="list-style-type: none"> the signup process was easy and straightforward for players 'players reported high levels of satisfaction with the overall functionality and usability of the systems' ²⁵² 'expenditure statements were of low interest to players at both sites, but players acknowledged the usefulness of this option' ²⁵³ 'time limits were less important to most players compared to monetary limits'²⁵⁴ most players found that: <ul style="list-style-type: none"> 'CBGC encouraged them to think more about their expenditure...'²⁵⁵

²⁴⁹ Office of Regulatory Policy, [Queensland Card-based Gaming Trials](#), p 6-7. Accessed 21 January 2022

²⁵⁰ Office of Regulatory Policy, op. cit., p 10

²⁵¹ Ibid., p 10

²⁵² Ibid., p 6

²⁵³ Ibid., p 7

²⁵⁴ Ibid., p 7

²⁵⁵ Ibid., p 6

	<ul style="list-style-type: none"> - The convenience of using the card was a major benefit in addition to the ability to set limits.²⁵⁶
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>Critical implementation issues outlined in the summary report arising from the trials included:</p> <ul style="list-style-type: none"> • the uptake of PCG took 3-4 months to peak before steadying • the use of pre-commitment limit settings by patrons was dependent on the promotion of these features by the venue • it being vital for the system provider to give ‘...simple and ongoing training for staff and detailed training for players.’²⁵⁷ <p>Standout findings regarding critical implementation issues included:</p> <ul style="list-style-type: none"> • ‘Any future rollout of card-based gaming to additional venues should have harm minimisation promoted as the primary objective of the technology offering.’²⁵⁸ • ‘Early trials will require significant effort to encourage adoption to achieve the objectives of pre-commitment as a gambling harm minimisation measure.’²⁵⁹ • ‘Given that many players just use card-based gaming for “cashless convenience”, [the] findings...further emphasise the need for venues to actively promote harm-minimisation benefits to ensure that they are leveraged by players.’²⁶⁰ • ‘...pre-commitment systems were seen [by venue staff] to have some potential to reduce venue workloads and offer gamblers harm-minimisation benefits, though achieving those benefits would be more likely if venues opted for full cashless gaming and all gamblers used pre-commitment.’²⁶¹
Outcome 6: Potential costs	
What are the implementation costs for the technology	
<ul style="list-style-type: none"> • Capital costs 	Research did not identify information to address this issue
<ul style="list-style-type: none"> • Operational costs 	
<ul style="list-style-type: none"> • Training costs 	

²⁵⁶ Ibid., p 6

²⁵⁷ Ibid., p 6

²⁵⁸ Ibid., p 6

²⁵⁹ Ibid., p 10

²⁶⁰ Ibid., p 14

²⁶¹ Ibid., p 37

South Australia

Table 19: Player card gaming used in relation to South Australian EGMs

Research question	Player card gaming						
Outcome 1: Jurisdictional scan							
What technology options are available?	<p>PCG in South Australia is comprised of the voluntary pre-commitment system and cashless gaming technologies available to licensed gaming venues and the licensed casino in South Australia. Cashless gaming technologies comprise:</p> <ul style="list-style-type: none">• account based cashless gaming (ABCG)• ticket-in, ticket-out (TITO). <p>Gaming venues and the licensed casino are obliged to allow patrons to register with the voluntary pre-commitment system under schedule 3 / 2, respectively, of the <i>Gaming Machines Regulations 2020</i> and the <i>Casino Regulations 2013</i>.</p> <p>The voluntary pre-commitment (VPC) system has harm minimisation tools comprising:</p> <ul style="list-style-type: none">• setting and varying time and expenditure limits (with default limits)• breaks in play / no play periods• on-screen messaging• communicating with players about their expenditure limits• player activity statements. <p>The high-level components of PCG in SA are outlined in Table 20.</p> <p>Table 20: SA player card gaming</p> <table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><p>Voluntary pre-commitment</p><ul style="list-style-type: none">• Mandatory to identify patrons<p>ABCG</p><ul style="list-style-type: none">• Optional to identify patrons in the casino• Mandatory for hotels and clubs to identify patrons</td><td><ul style="list-style-type: none">• Account based cashless gaming systems• TITO<ul style="list-style-type: none">- hotel and club TITO tickets can only be redeemed at cashiers</td><td><p>Voluntary pre-commitment</p><ul style="list-style-type: none">• Expenditure limits<ul style="list-style-type: none">- With a daily default limit• Breaks in play• No play periods• On-screen messaging• Communicating with players about their expenditure limits• Activity statements<p>ABGC</p></td></tr></table>	Patron identification	Cashless gaming	Pre-commitment tools	<p>Voluntary pre-commitment</p> <ul style="list-style-type: none">• Mandatory to identify patrons <p>ABCG</p> <ul style="list-style-type: none">• Optional to identify patrons in the casino• Mandatory for hotels and clubs to identify patrons	<ul style="list-style-type: none">• Account based cashless gaming systems• TITO<ul style="list-style-type: none">- hotel and club TITO tickets can only be redeemed at cashiers	<p>Voluntary pre-commitment</p> <ul style="list-style-type: none">• Expenditure limits<ul style="list-style-type: none">- With a daily default limit• Breaks in play• No play periods• On-screen messaging• Communicating with players about their expenditure limits• Activity statements <p>ABGC</p>
Patron identification	Cashless gaming	Pre-commitment tools					
<p>Voluntary pre-commitment</p> <ul style="list-style-type: none">• Mandatory to identify patrons <p>ABCG</p> <ul style="list-style-type: none">• Optional to identify patrons in the casino• Mandatory for hotels and clubs to identify patrons	<ul style="list-style-type: none">• Account based cashless gaming systems• TITO<ul style="list-style-type: none">- hotel and club TITO tickets can only be redeemed at cashiers	<p>Voluntary pre-commitment</p> <ul style="list-style-type: none">• Expenditure limits<ul style="list-style-type: none">- With a daily default limit• Breaks in play• No play periods• On-screen messaging• Communicating with players about their expenditure limits• Activity statements <p>ABGC</p>					

			<ul style="list-style-type: none"> • Prize payment and transfer limits • Activity statements
What are the technology's broad parameters / components?	<p>Account Based Cashless Gaming</p> <p>ABCG systems in South Australia have mandatory system attributes which broadly comprise:</p> <ul style="list-style-type: none"> • user accounts: <ul style="list-style-type: none"> - patron identification and account value limits • payment of prizes: <ul style="list-style-type: none"> - prize withdrawal amounts and withdrawal methods • account statements: <ul style="list-style-type: none"> - the content and provision of player account statements • communications: <ul style="list-style-type: none"> - how the system communicates with the monitoring system • records: <ul style="list-style-type: none"> - how the system will store data. ²⁶² ²⁶³ <p>Ticket-in Ticket-out</p> <p>TITO systems broadly comprise:</p> <ul style="list-style-type: none"> • A TITO host: <ul style="list-style-type: none"> - the core back-end servers and database of the TITO system • TITO enabled devices: <ul style="list-style-type: none"> - a device such as a gaming machine, automated table game, cash redemption terminal (CRT) or cashier terminal which is configured to issue tickets or accept tickets for redemption, or both • TITO peripherals: <ul style="list-style-type: none"> - hardware by which a TITO enabled device conducts a TITO transaction, such as TITO ticket readers and printers and note acceptors. ²⁶⁴ ²⁶⁵ <p>Like with facial recognition technologies, the South Australian Liquor and Gambling Commissioner have published guidelines that outline the specific approval requirements for both ABCG and TITO systems. These comprise:</p> <ul style="list-style-type: none"> • Gambling Administration Guidelines Gaming Machines Act 1992 Account Based Cashless Gaming Systems 		

²⁶² Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Account Based Cashless Gaming Systems](#), p5-6. Accessed 18 January 2022

²⁶³ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Account Based Cashless Gaming Systems](#), p6-8. Accessed 18 January 2022

²⁶⁴ Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Ticket-in Ticket-out Systems](#), p3-4. Accessed 18 January 2022

²⁶⁵ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Ticket-in Ticket-out Systems](#), p2. Accessed 18 January 2022

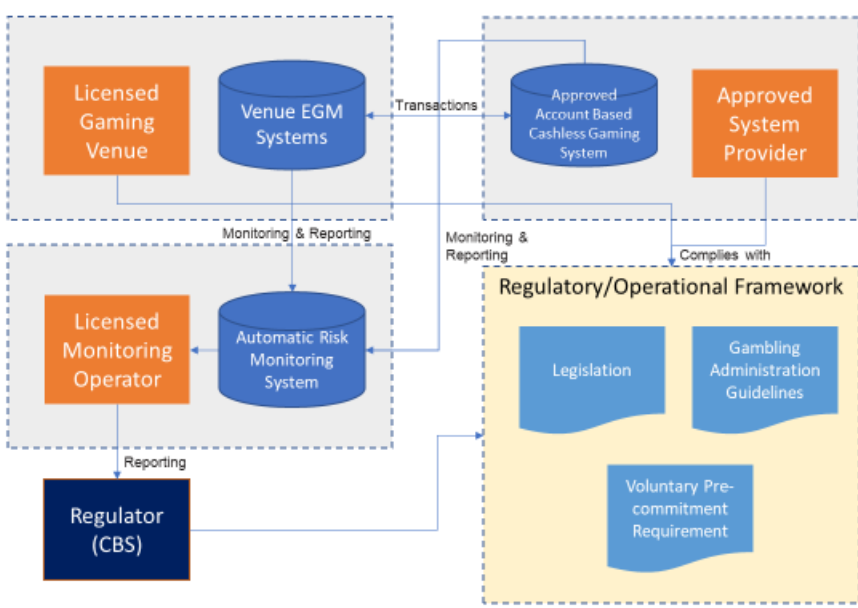
	<ul style="list-style-type: none"> • Gambling Administration Guidelines Gaming Machines Act 1992 Ticket-in Ticket-out Systems • Gambling Administration Guidelines Casino Act 1997 Account Based Cashless Gaming Systems • Gambling Administration Guidelines Casino Act 1997 Ticket-in Ticket-out Systems.²⁶⁶ <p>Similar to the situation in SA for facial recognition technology, the publication of the mandatory requirements outlined in the guidelines allows for a market-based solution to the development of these technologies by system providers.</p>
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The South Australian parliament passed legislation in 2019 which allowed for TITO and ABCG gaming to be used. This included:</p> <ul style="list-style-type: none"> • Section 17 of the <i>Gambling Administration Act 2019</i>, which allowed for the publication of gambling administration guidelines. • Removal of the prohibition on banknote acceptors on EGMs and ATGs. <p>The regulatory framework in place in South Australia now comprises:</p> <ul style="list-style-type: none"> • Gambling Administration Act 2019 (the GAA) • Gaming Machines Act 1992 (the GMA) • Gaming Machines Regulations 2020 (the GMR) • Casino Act 1997 (the CA) • Casino Regulations 2013 (the CR). <p>Automated Risk Monitoring Service</p> <p>The ARMS is operated by the LMO in relation to gaming venues and SkyCity Host Responsibility in relation to the casino and '<i>monitors length of play and player activity as an indicator for identifying potential problem gambling behaviour.</i>'²⁶⁷</p> <p>Furthermore, the ARMS '<i>...is intended to serve as an "early intervention" tool for detecting "at-risk" and problematic gambling.</i>'²⁶⁸</p> <p>The ARMS is '<i>...provided in connection with gaming machines operating in South Australian hotel and club gaming venues and at the licensed casino.</i>'²⁶⁹</p> <p>The governance framework of the South Australian PCG systems is illustrated in Figure 6.</p> <p>Figure 6: Player card gaming - SA governance framework</p>

²⁶⁶ [Gambling Administration Guidelines](#), Consumer and Business Services website. Accessed 12 January 2022

²⁶⁷ Consumer and Business Services, [Gambling Administration Guideline Automated Risk Monitoring Systems](#), p2. Accessed 18 January 2022

²⁶⁸ Ibid.

²⁶⁹ Ibid.

	<p style="text-align: center;">Account Based Cashless Gaming – SA Governance Framework</p>  <pre> graph TD subgraph LGV [Licensed Gaming Venue] LGV_EGM[Venue EGM Systems] end subgraph APS [Approved System Provider] APS_CGS[Approved Account Based Cashless Gaming System] end subgraph LMO [Licensed Monitoring Operator] LMO_A RMS[Automatic Risk Monitoring System] end subgraph CBS [Regulator CBS] end subgraph ROF [Regulatory/Operational Framework] ROF_L[Legislation] ROF_GAG[Gambling Administration Guidelines] ROF_VPR[Voluntary Pre-commitment Requirement] end LGV_EGM -- Transactions --> APS_CGS APS_CGS -- Monitoring & Reporting --> LMO_A RMS LMO_A RMS -- Reporting --> CBS APS_CGS -- Complies with --> ROF LGV_EGM -- Monitoring & Reporting --> LMO_A RMS </pre>
<p>What business practices/requirements are in place?</p>	<p>Pre-commitment</p> <p>Further to the brief outline of pre-commitment under outcome 1, pre-commitment is required to be connected to ABCG as outlined section 7(1)(d) of the ABCG guidelines.</p> <p>However, pre-commitment is not dependent on the use of ABCG. Under section 53A (1)(d) of the GMA and section 42B of the CA gaming on EGMs or, in the casino ATGs, pre-commitment cannot be provided unless the EGM or ATG ‘...is operated in connection with a pre-commitment system...’</p> <p>Furthermore, hotels, clubs and the casino ‘...must not only offer pre-commitment in conjunction with a loyalty system.’^{270 271}</p> <p>As pre-commitment is provided at the machine, the payment method, be it cash, TITO or account based cashless, is just the payment method. The pre-commitment system provides the harm minimisation features.</p> <p>The precommitment system used must allow a patron to:</p> <ul style="list-style-type: none"> • set: <ul style="list-style-type: none"> - a daily or weekly expenditure limit - breaks in play periods - no play periods - a personal reminder message if they exceed their expenditure limit or do not comply with a break in play or no play period • default expenditure limit of \$100 per day, if the customer does not specify a limit.^{272 273} <p>If any variations are made to a patron's pre-commitment:</p>

²⁷⁰ Schedule 3, clause 2 of the *Gaming Machines Regulations 2020*

²⁷¹ Schedule 2, clause 2 of the *Casino Regulations 2013*

²⁷² Schedule 3 of the *Gaming Machines Regulations 2020*

²⁷³ Schedule 2 of the *Casino Regulations 2013*

	<ul style="list-style-type: none"> • 'a variation must be applied as soon as practicable if the customer has not played a gaming machine or automated table game since registering • a variation (other than a variation to increase an expenditure limit) must be applied as soon as practicable if the customer has played a gaming machine or automated table game since registering • if the customer has played a gaming machine or automated table game since registering and the requested variation is to increase an expenditure limit, the variation must only be applied if: <ul style="list-style-type: none"> - a period of 24 hours has passed since the making of the request - the customer has confirmed to the licensee (in person or by any other means) that he or she still requires the making of the variation.'^{274 275} <p><i>'The pre-commitment system must comply with the following requirements:</i></p> <ul style="list-style-type: none"> • the system must use the registered customer's preferred language, if available, but may use English until the data about customer preferences is analysed to identify a minimum set of common languages to be offered by the system • the system must be capable of displaying on-screen messages on a primary screen or an ancillary screen • the system must enable the display of a reminder message set by the licensee on the primary screen or the ancillary screen when the registered customer reaches 50%, 75% and 90% of his or her expenditure limit • if a registered customer exceeds his or her expenditure limit, the system must enable the display of the customer's personal reminder message (or, if the customer has not set a reminder message, a default message set by the licensee) on the primary screen or the ancillary screen • if the registered customer continues to play after exceeding his or her expenditure limit, the system must enable a further reminder message to be displayed on the primary screen or the ancillary screen when the customer exceeds his or her expenditure limit by 10%, 20% and 50% • the system must notify casino staff when the registered customer exceeds his or her expenditure limit or fails to comply with a break in play period or no play period; if a registered customer fails to comply with a break in play period or a no play period, the system must enable the display of the customer's personal reminder message (or, if the customer has not set a reminder message, a default message set by the licensee) on the primary screen or the ancillary screen; • if a reminder message is displayed on a primary screen, the system must not allow the message to be removed from the display until the registered customer acknowledges the message • if a reminder message is displayed on an ancillary screen, the system must not allow a registered customer to continue play until the customer acknowledges the message.'^{276 277}
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²⁷⁴ Schedule 3 of the *Gaming Machines Regulations 2020*

²⁷⁵ Schedule 2 of the *Casino Regulations 2013*

²⁷⁶ Schedule 3 of the *Gaming Machines Regulations 2020*

²⁷⁷ Schedule 2 of the *Casino Regulations 2013*

Account Based Cashless Gaming

ABCG is designed to be used in conjunction with the ARMS and the voluntary pre-commitment system.

The business practices and requirements for ABCG are outlined in the mandatory system attributes in the guidelines which include:

- the maximum value to be stored in a user account
- prize withdrawal limits
- the maximum initial transfer to an EGM
- information provided in player account statements.^{278 279}

The limits outlined for ABCG systems are detailed in Table 21.

Table 21: SA ABCG User Accounts and Payment of Prizes

Limits	Hotels and Clubs Transparent Account ²⁸⁰	Casino Transparent Account ²⁸¹	Casino Anonymous Account ²⁸²
Maximum value to be stored in a user account	Initial: \$1,000 Increase from winnings: value stored about \$1,000	Initial: \$5,000 Increase from winnings: value stored about \$5,000	Initial: \$5,000 Increase from winnings: value stored about \$5,000
Maximum transfer into EGM	\$250	\$500	\$500
Transfer from EGM to account	Up to whole value	Up to whole value	Up to whole value
Immediate redemption	Up to \$2,000 in cash Remainder by cheque or EFT	Non-premium customer Up to \$5,000 in cash Remainder by cheque or EFT Premium customer	Up to \$2,500 in cash Remainder by cheque or EFT

²⁷⁸ Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Account Based Cashless Gaming Systems](#), p5-6. Accessed 18 January 2022

²⁷⁹ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Account Based Cashless Gaming Systems](#), p6-8. Accessed 18 January 2022

²⁸⁰ Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Account Based Cashless Gaming Systems](#), p5. Accessed 28 February 2022

²⁸¹ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Account Based Cashless Gaming Systems](#), p6. Accessed 28 February 2022

²⁸² Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Account Based Cashless Gaming Systems](#), p6. Accessed 28 February 2022

			Up to \$10,000 in cash	
			Remainder by cheque or EFT	
	Ticket-in Ticket-out			
	TITO systems must be able to operate in either a ticket-in or a ticket-in and ticket-out configuration. This means that in either situation a ticket can be used to load credit but only in the latter case can a ticket be printed by the machine to issue winnings. ^{283 284}			
	Patrons can only use CRTs or cashiers for TITO-based play. CRTs are a self-service machine that allows patrons to redeem or be issued tickets ²⁸⁵ and break notes, whereas cashiers are operated by staff. ^{286 287}			
Outcome 3: Evidence of effectiveness				
What evidence exists that the technology is effective:				
<ul style="list-style-type: none">From an operational perspective	Research did not identify information to address this issue			
<ul style="list-style-type: none">In minimising harm caused by gambling	It is expected that the harm minimisation effectiveness of these PCG technologies would be examined in the next gambling prevalence report.			
Outcome 4: Evidence of weaknesses/impacts				
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	No significant weakness of these technologies has been identified.			
Have any adverse impacts on recreational gamblers been identified? What evidence exists on	Research did not identify information to address this issue			

²⁸³ Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Ticket-in Ticket-out Systems](#), p2. Accessed 18 January 2022

²⁸⁴ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Ticket-in Ticket-out Systems](#), p2. Accessed 18 January 2022

²⁸⁵ Issuing tickets can only be done by CRTs in the casino

²⁸⁶ Consumer and Business Services, [Gambling Administration Guidelines Gaming Machines Act 1992 – Ticket-in Ticket-out Systems](#), p3-4. Accessed 18 January 2022

²⁸⁷ Consumer and Business Services, [Gambling Administration Guidelines Casino Act 1997 – Ticket-in Ticket-out Systems](#), p10-11. Accessed 18 January 2022

the extent of these impacts?	
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue
Outcome 6: Potential costs	
What are the implementation costs for the technology	
• Capital costs	Research did not identify information to address this issue
• Operational costs	Research did not identify information to address this issue
• Training costs	Research did not identify information to address this issue

Victoria

Table 22: Player card gaming used in relation to Victorian EGMs

Research question	Player card gaming
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>To outline the scale of EGM gaming in Victoria, the total number of EGMs is capped at 30,000, comprising:</p> <ul style="list-style-type: none"> • 2,628 allocated to Melbourne casino • 27,372 is split evenly between hotels and clubs.²⁸⁸ <p>The Victorian Government has implemented YourPlay, which is a physical card-based tool used to track the money and time patrons spend on EGMs in Victorian hotels, clubs and casino. YourPlay is a statewide voluntary pre-commitment scheme.²⁸⁹</p> <p>The YourPlay system is provided by the licensed gaming machine monitor, Intralot Gaming Service Pty Ltd (Intralot). Intralot provide relevant training to venue operators and staff to ensure they meet their requirements under the relevant responsible gambling Code of Conduct.²⁹⁰</p>

²⁸⁸ [Gaming machine caps and limits](#), Victorian Gambling and Casino Control Commission website. Accessed 27 January 2022

²⁸⁹ [About us](#), Your Play website. Accessed 20 January 2022

²⁹⁰ Ibid.

	<p>There is a framework for the use of card based cashless (CBC) gaming card.²⁹¹ However, no solutions are currently in use. Theoretically, a CBC card could be used to play an EGM. To do this, the patron will need to setup an account or cashless wallet with the venue.²⁹²</p> <p>Notably, the physical card used for CBC gaming cards, loyalty cards and YourPlay must be the type of magstripe card prescribed for YourPlay. Accordingly, the card has up to three separate functions – YourPlay voluntary precommitment, player loyalty and CBC gaming. It is important to note that the YourPlay tool on the card can be used on any EGM in Victoria to access pre-commitment, but the player loyalty and CBC gaming are only able to be used at the specific venue that operates the player loyalty and CBC gaming.^{293 294}</p> <p>The high-level components of Victorian player card gaming are outlined in Table 23.</p> <p>Table 23: VIC player card gaming</p> <table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><ul style="list-style-type: none">Optional through YourPlay</td><td><ul style="list-style-type: none">TITOCBC<ul style="list-style-type: none">No systems are in use</td><td><ul style="list-style-type: none">Time and expenditure limitsTrack gambling activity across all Victorian gaming venues</td></tr></table>	Patron identification	Cashless gaming	Pre-commitment tools	<ul style="list-style-type: none">Optional through YourPlay	<ul style="list-style-type: none">TITOCBC<ul style="list-style-type: none">No systems are in use	<ul style="list-style-type: none">Time and expenditure limitsTrack gambling activity across all Victorian gaming venues
Patron identification	Cashless gaming	Pre-commitment tools					
<ul style="list-style-type: none">Optional through YourPlay	<ul style="list-style-type: none">TITOCBC<ul style="list-style-type: none">No systems are in use	<ul style="list-style-type: none">Time and expenditure limitsTrack gambling activity across all Victorian gaming venues					
What are the technology’s broad parameters / components?	<p>YourPlay is a card-based tool that players use to set a loss and/or time limit while the card is inserted in a gaming machine. The card allows the player, via YourPlay, to monitor and manage their gambling activity on EGMs.²⁹⁵</p> <p>Specifically, YourPlay allows EGM players to:</p> <ul style="list-style-type: none">set limits on time or money spenttrack their EGM activity across multiple venues in Victoria.²⁹⁶ <p>Players insert their player card, which has a pre-commitment account attached to it, into the card reader on the EGM and enter the PIN. Furthermore, any pre-commitment limits set by the player will be applied to that gambling session.²⁹⁷</p> <p>CBC cards:</p>						

²⁹¹ [Cashless gaming commences at Victorian venues](#), Victorian Responsible Gambling Foundation website. Accessed 7 February 2022

²⁹² [About us](#), Your Play website. Accessed 20 January 2022

²⁹³ Ibid.

²⁹⁴ [Cashless gaming commences at Victorian venues](#), Victorian Responsible Gambling Foundation website. Accessed 7 February 2022

²⁹⁵ [About us](#), Your Play website. Accessed 20 January 2022

²⁹⁶ Steve Whetton, Michael O'Neil, Professor Paul Delfabbro, Kerry Sproston, Suraya Abdul Halim, Tania Dey, Clare Hanely, Lauren Kay, Anthony Kosturjak, Katherine Tran and Alison Wood, [Evaluation of YourPlay Final Report](#), South Australian Centre for Economic Studies, Adelaide, 2019, p vi. Accessed 20 January 2022

²⁹⁷ Ibid., p vi.

	<ul style="list-style-type: none"> • Can be identified (i.e. registered to a player) or anonymous.²⁹⁸ • '[M]ust be linked to an account or cashless wallet with a unique identifier / account number.'²⁹⁹ • Have a maximum balance of \$1,000.³⁰⁰ <p>Furthermore, '<i>Cashless accounts can be used only at the venue that issued the card and cashless wallet, although the card may be used for pre-commitment in other venues.</i>'³⁰¹</p>
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The legislative basis for the YourPlay system was established by the:</p> <ul style="list-style-type: none"> • Gambling Regulation Act 2003 • Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014. <p>The Victorian Player Account Equipment Technical Standard and Victorian Pre-commitment System Requirements Standards provide the technical requirements that underpin YourPlay.^{302 303}</p> <p>Furthermore, Intralot entered into a pre-commitment agreement in July 2014 with the Department which provided the framework for YourPlay to integrate with the monitoring system.³⁰⁴</p> <p>On 30 January 2019, the <i>Gambling Amendment (Cashless Gaming) Regulations 2019</i> came into effect. The amendments to the <i>Gambling Regulations 2015</i> allowed venue operators to provide cashless gaming on EGMs.³⁰⁵</p> <p>Concurrently, technical standards for CBC gaming were published by the Victorian Commission for Gambling and Liquor Regulation under section 10.1.5B of the <i>Gambling Regulation Act 2003</i>.</p>
What business practices/ requirements are in place?	<p>YourPlay is a voluntary (opt-in) system, the limits are discretionary and set by the user. Daily and weekly limits for time and money are available. Players access and register YourPlay through venues and the Melbourne casino.</p> <p>YourPlay cards:</p> <ul style="list-style-type: none"> • can be obtained from gaming machine venues and the Melbourne casino in Victoria

²⁹⁸ [Cashless gaming commences at Victorian venues](#), Victorian Responsible Gambling Foundation website. Accessed 7 February 2022

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Victorian Commission for Gambling and Liquor Regulation, [Victorian Pre-commitment System Requirements Document](#). Accessed 20 January 2022

³⁰³ Victorian Commission for Gambling and Liquor Regulation, [Victorian Player Account Equipment Technical Requirements Document](#). Accessed 20 January 2022

³⁰⁴ [YourPlay – Victoria's pre-commitment scheme](#), Department of Justice and Community Safety website. Accessed 20 January 2022

³⁰⁵ [Cashless gaming commences at Victorian venues](#), Victorian Responsible Gambling Foundation website. Accessed 7 February 2022

	<ul style="list-style-type: none"> • work at any EGM in Victoria • come in two varieties: <ul style="list-style-type: none"> - registered cards (where the player is identified) - 'casual' cards where the player is anonymous.³⁰⁶ <p>Importantly:</p> <ul style="list-style-type: none"> • 'it is a legal requirement to offer YourPlay to anyone joining a gaming loyalty scheme.'³⁰⁷ - Loyalty schemes are provided by venues. • The anonymous cards have all of the core features of registered cards despite their anonymity.³⁰⁸ <p>As a player approaches their limit, a pop-up message will notify the player at 75% and 90% of their limit. If their limit is reached, a message will appear onscreen notifying them and they will be given the option to select 'Stop playing' or 'continue playing'. If they continue, they will be given live action summaries that show them the amount they exceed their limit by.³⁰⁹</p> <p>The specific technical requirements for CBC cards are outlined in the technical standards - Ticket-In Ticket-Out (TITO) and Card Based Cashless (CBC) Gaming in Gaming Venues.³¹⁰</p>
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> • From an operational perspective 	<p>The operational effectiveness of the YourPlay system was evaluated and determined to have been successfully implemented by Liquor and Gaming. The key points from the evaluation reporting were:</p> <ul style="list-style-type: none"> • The complex IT project underpinning the pre-commitment system was managed on time and budget and was proven to be very stable. • The management of stakeholders was exemplary.³¹¹
<ul style="list-style-type: none"> • In minimising harm caused by gambling 	<p>The evaluation determined that YourPlay usage was low owing to YourPlay being an opt-in, voluntary pre-commitment system.³¹²</p> <p>Regarding the limit setting, which was '<i>...considered to be the most likely route to realising harm reduction.</i>', it was '<i>...understood that the voluntary nature of the scheme, together with the ability to override and set limits and</i></p>

³⁰⁶ Steve Whetton et al., op. cit., p vi

³⁰⁷ Ibid., p i

³⁰⁸ Ibid., p vi.

³⁰⁹ Ibid., p vi.

³¹⁰ [Cashless gaming commences at Victorian venues](#), Victorian Responsible Gambling Foundation website. Accessed 7 February 2022

³¹¹ Steve Whetton et al., op. cit., p i

³¹² Ibid., p vii.

	<p>keep gambling with the YourPlay card in play, reduced the potential effectiveness of any harm reduction.’³¹³</p> <p>Furthermore, it was found that a large amount of players chose to set high loss limits. <i>‘The median limit chosen by YourPlay cardholders was \$50,000, however 8,301 of the 29,992 gamblers who set a limit chose a daily loss limit that was \$500,000 or higher.’</i>³¹⁴</p> <p><i>‘This suggests that in practice the limit setting features is unlikely to have much, if any, impact on harm reduction as it will not even be able to fulfil an information provision function (e.g. it is extremely unlikely that these extreme values represent the genuine daily affordable loss limits for all but a few high rollers, and as players are extremely unlikely to actually reach these limits they are not provided with the warnings at 70 per cent and 90 per cent of their limit).’</i>³¹⁵</p> <p><i>‘Whilst YourPlay was effectively implemented and delivers benefits for those using it, usage is very low in hotels and clubs... If usage is to be increased to a level where YourPlay will have impacts consistent with its costs, then the incentives facing venues and/or gamblers need to be changed.’</i>³¹⁶</p> <p>It was also observed that users of YourPlay achieved benefits in that:</p> <ul style="list-style-type: none"> • ‘23 to 28 percent reported being more aware of their expenditure • ‘24 to 29 percent reported that YourPlay made it easier to stick to the limits they set for themselves.’³¹⁷
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	<p>YourPlay</p> <p>No weaknesses of YourPlay were identified. See research outcomes for operational effectiveness for more information.</p> <p>Cashless gaming</p> <p>The Victorian Responsible Gambling Foundation (VRGF) commissioned a review of research literature to <i>‘...better understand the effects of cashless gaming on gambling behaviour and harm, given the potential for cashless gaming to become more widely used across Victoria due to COVID-19.’</i>³¹⁸</p> <p>Outcomes of the literature review regarding the weaknesses of the technology include:</p> <ul style="list-style-type: none"> • ‘Little gambling research has examined the unique effects of cashless gaming as a payment method, when compared to cash (as distinct from other features of cashless gaming such as pre-commitment).’³¹⁹ • ‘Many of the benefits of cashless gaming have been conflated with the benefits of other gambling harm-minimisation tools (e.g., player

³¹³ Ibid., p xv.

³¹⁴ Ibid., p xv.

³¹⁵ Ibid., p xv.

³¹⁶ Steve Whetton et al., op. cit., p ii

³¹⁷ Ibid., p i

³¹⁸ Sarah Hare, [What is the impact of cashless gaming on gambling behaviour and harm?](#), Schottler Consulting, published by the Victorian Responsible Gambling Foundation, p vi. Accessed 8 February 2022

³¹⁹ Ibid., p 2

	tracking, pre-commitment effects have been confused with the effects of cashless gaming).’ ³²⁰
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	<p>YourPlay</p> <p>Mixed views regarding the scheme were identified in a focus group undertaken during the evaluation:</p> <ul style="list-style-type: none"> • The majority of the focus group thought that the fact limits can be overridden when reached made YourPlay ineffectual.³²¹ • The main barrier of the focus group was: <ul style="list-style-type: none"> - that they felt the scheme was aimed at at-risk gamblers - was unnecessary for them to use.³²² • Privacy concerns were raised in relation to YourPlay on-screen messaging popping up and being visible to others.³²³ <ul style="list-style-type: none"> - This concern underpinned feeling about the potential stigma of using a pre-commitment scheme.³²⁴ <p>Cashless gaming</p> <p>The major findings from the literature review commissioned by the VRGF regarding impacts on recreational gamblers using cashless gambling were:</p> <ul style="list-style-type: none"> • ‘Consumer behaviour literature indicates that cashless payment methods are generally associated with increased expenditure. Evidence appears to support that this applies to credit cards, debit cards, and potentially also mobile payments (using eWallets).’³²⁵ • ‘Literature relating to the ‘pain of payment’ – including recent neurological evidences – suggests that cashless payment methods are largely associated with less ‘pain of payment’ when compared to cash. This suggests that cashless payment methods have an ‘easy money’ effect and that cash is better for expenditure regulation.’³²⁶ • The distinctiveness or salience of payments is important for patrons being able to identify their spending. ‘Low salience payments have been found to be difficult to track and undermine budgeting, when compared to high salience payments.’³²⁷ • ‘Certain segments in the community may have difficulties with working memory or mental accounting, which is required in budgeting and expenditure management. These may include older people, people with comorbidities – such as anxiety and depression – and people with low

³²⁰ Ibid., p 2

³²¹ Steve Whetton et al., op. cit., p 37

³²² Ibid., p 37

³²³ Ibid., p 37

³²⁴ Ibid., p 37

³²⁵ Sarah Hare, op. cit., p 2

³²⁶ Ibid., p 2

³²⁷ Ibid., p 2

	<p>financial literacy and low education. Such groups may potentially experience issues with transactional expenditure information in cashless gaming.’³²⁸</p> <ul style="list-style-type: none"> • While some consumer benefits (such as allowing money to be stored on a card or being able to move between EGMs more easily) have been claimed, ‘...[the] discrete effects of cashless gaming relative to cash have not been examined’.³²⁹ • ‘While some gamblers indicate that cashless gaming may help with management of gambling expenditure, others report that it makes expenditure management more difficult. This may highlight individual differences within gamblers (although the reasons for differences remain unclear).’³³⁰ • ‘[The] tokenisation of money tends to lead gamblers to spend more, when compared to cash (and presumably with less conscious reflection).’³³¹ • ‘While many jurisdictions are increasingly moving towards cashless gaming, research also highlights that some vulnerable members of society may be at risk. In Australia, these may include both older people and people in the lower two income quartiles.’³³² • ‘While research cannot identify how best to reduce the risks of cashless gaming, literature research points to some potential value of making the ‘pain of payment’ of cashless gaming equivalent to, or as close as possible, to cash.’³³³
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>A critical implementation issue identified in Victoria was the need to resolve a range of fundamental policy and design issues, such as the ones posed in the Pre-commitment Discussion Paper published by DJCS in 2011. Examples include defining:</p> <ul style="list-style-type: none"> • what pre-commitment is and what might it do (such as potential equipment, features and processes and incentives that influence take-up and use of pre-commitment) • what the technical options are for pre-commitment (such as networked or non-networked systems) • who should provide pre-commitment (such as responsibilities and provider options).³³⁴ <p>The evaluation of YourPlay identified key issues of the implementation of YourPlay, including:</p> <ul style="list-style-type: none"> • Very low usage in hotels and clubs:

³²⁸ Ibid., p 2

³²⁹ Ibid., p 2

³³⁰ Ibid., p 2

³³¹ Ibid., p 2

³³² Ibid., p 3

³³³ Ibid., p 3

³³⁴ Department of Justice and Community Safety, [Pre-commitment Discussion Paper](#), 2011. Accessed 10 February 2022

	<ul style="list-style-type: none"> - Comprised 0.01% of gaming machine turnover.³³⁵ • Hotels and clubs not complying with requirements of YourPlay: <ul style="list-style-type: none"> - YourPlay was only offered to 31% of visits when joining loyalty programs.³³⁶ • Poor cost effectiveness: <ul style="list-style-type: none"> - Cost per patron for the harm reduction benefits was \$1,162.55.³³⁷ • High loss limits set by patrons leading to diminished harm reduction benefits.³³⁸ <p>A set of 23 recommendations were outlined in the <i>Evaluation of YourPlay Final Report</i> which address these issues including:</p> <ul style="list-style-type: none"> • YourPlay be set to opt-out for linked loyalty schemes • funding a communications strategy to improve the awareness of YourPlay • developing options to better incentivise YourPlay use by patrons and venues.³³⁹ <p>The Department intends to consult with the Victorian Responsible Gambling Foundation and the Victorian Commission for Gambling and Liquor Regulation to implement the recommendations outlined in the YourPlay evaluation report.³⁴⁰ A timeline for the implementation of the recommendations is not clear.</p> <p>As at January 2022, the <i>Casino and Gambling Legislation Amendment Act 2021</i> was passed, allowing the Victorian Government to implement nine of the 33 recommendations made on the Victorian Royal Commission into the Casino Operator and Licence.^{341 342 343}</p> <p>The key recommendations that could minimise harms related to EGM gambling at the Melbourne Casino were recommendations 9 and 10 and made in relation to carded play and pre-commitment and time limits, respectively.³⁴⁴</p> <p>The nine recommendations implemented through the amendment Act ‘allow for the appointment of the Special Manager, strengthen regulatory powers and enable the State to act on the recommendation.’ Notably, this does not include clauses to implement recommendations 9 and 10. ‘The Government</p>
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³³⁵ Steve Whetton et al., op. cit., p i

³³⁶ Ibid., p i

³³⁷ Ibid., p ii

³³⁸ Ibid., p ii, xv

³³⁹ Ibid., p ii-iv

³⁴⁰ [YourPlay – Victoria's pre-commitment scheme](#), Department of Justice and Community Safety website. Accessed 20 January 2022

³⁴¹ Josh Gordon, [Plans to cut Crown pokie players' losses on ice amid feasibility fears](#), The Age website. Accessed 27 January 2022

³⁴² [2nd reading speech for the Casino and Gambling Legislation Amendment Bill 2021](#), Hon. Melissa Horne, MLA, Hansard, 27 October 2021. Accessed 25 February 2022

³⁴³ [2nd reading speech for the Casino and Gambling Legislation Amendment Bill 2021](#), Hon. Jaclyn Symes, MLC, Hansard, 27 October 2021. Accessed 25 February 2022

³⁴⁴ The Hon. Ray Finkelstien, AO, QC Commissioner, [Royal Commission into the Casino Operator and Licence - The Report](#), Victorian Government Printer, 2021, p 56-57. Accessed 25 February 2022

	<p><i>also supports in-principle the other 24 recommendations, subject to further detailed analysis and consultation being undertaken, including to ensure there are no unintended consequences from our actions.’^{345 346}</i></p> <p>Carded play</p> <p><i>‘As has been shown, it is nearly impossible to monitor uncarded players at the Melbourne Casino. For that reason, it is appropriate that all customers should use a player card for all forms of gambling at the Melbourne Casino. A recommendation to that effect has been made in Chapter 6.</i></p> <p><i>To enable proper research into problem gambling, it is important that the player card also be used to collect data.’³⁴⁷</i></p> <p>Recommendation 9: Player card data</p> <p><i>‘It is recommended that a direction be given to Crown Melbourne pursuant to section 23(1) of the Casino Control Act that the player card collect, to the extent practicable, data relating to:</i></p> <ul style="list-style-type: none"> • player buy-in (time, amount) • player buy-out (time, amount) • play periods (date, start time, end time) • player turnover • player losses and wins • gambling product • such further information as the regulator reasonably requires for anti-money laundering and Responsible Service of Gaming purposes.’³⁴⁸ <p>Pre-commitment and time limits</p> <p><i>‘An important step is to control gambling on EGMs, which is a form of gambling that causes more harm than others.</i></p> <p><i>Pre-commitment is an obvious area of reform. If a full, mandatory, binding, pre-commitment system is implemented, that will significantly reduce the incidence of problem gambling.</i></p> <p><i>The State has explained that there are practical difficulties that stand in the way of an immediate implementation of this system. Nonetheless, when these practical difficulties can be overcome such a system should be introduced.’³⁴⁹</i></p> <p>Recommendation 10: Pre-commitment and time limits</p> <p><i>‘It is recommended that as soon as possible, the YourPlay system be a full, mandatory, binding, pre-commitment system for Australian residents gambling on EGMs at the Melbourne Casino.</i></p>
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³⁴⁵ [2nd reading speech for the Casino and Gambling Legislation Amendment Bill 2021](#), Hon. Melissa Horne, MLA, Hansard, 27 October 2021. Accessed 25 February 2022

³⁴⁶ [2nd reading speech for the Casino and Gambling Legislation Amendment Bill 2021](#), Hon. Jaclyn Symes, MLC, Hansard, 27 October 2021. Accessed 25 February 2022

³⁴⁷ The Hon. Ray Finkelstien, AO, QC Commissioner, [Royal Commission into the Casino Operator and Licence - The Report](#), Victorian Government Printer, 2021, p 56. Accessed 25 February 2022

³⁴⁸ The Hon. Ray Finkelstien, AO, QC Commissioner, [Royal Commission into the Casino Operator and Licence - The Report](#), Victorian Government Printer, 2021, p 56. Accessed 25 February 2022

³⁴⁹ The Hon. Ray Finkelstien, AO, QC Commissioner, [Royal Commission into the Casino Operator and Licence - The Report](#), Victorian Government Printer, 2021, p 57. Accessed 25 February 2022

	<p><i>The pre-commitment system should operate in the following manner:</i></p> <ul style="list-style-type: none"> • Each player must set a daily, weekly or monthly time limit and a daily, weekly or monthly loss limit. • If the pre-set time limit or the pre-set loss limit is reached, the player cannot continue to gamble on an EGM and the limit(s) cannot be altered, for 36 hours. • No player can gamble on an EGM for more than 12 hours in any 24-hour period. • If a player has gambled for 12 hours in any 24-hour period, the player must take a break for 24 hours. • A player cannot gamble continuously on an EGM for more than three hours. • A player must take a break of at least 15 minutes after three hours of continuous gambling. • A player cannot gamble on EGMs for more than 36 hours per week. • There should be a default pre-set loss limit that the player can modify. • The default pre-set loss limit should be set by regulation. It could be calculated by reference to the median income of a wage earner less the standard cost of living. Or it could be calculated by estimating the median losses of a recreational gambler. The pre-set loss limit should be reviewed at least annually. <p><i>For the effective operation of a full, mandatory, binding YourPlay system, internal control systems are needed to ensure that a customer is unable to acquire more than one card. The systems need to be approved under section 122 of the Casino Control Act.³⁵⁰</i></p>
Outcome 6: Potential costs	
What are the implementation costs for the technology	
<ul style="list-style-type: none"> • Capital costs 	<p>The estimated total costs of YourPlay comprised the following costs incurred from 2014/15 to 2018/19:</p> <ul style="list-style-type: none"> • \$5,996,110.32 incurred by the Victorian Government: <ul style="list-style-type: none"> - Comprising staff implementation costs, software costs, communication strategy, evaluation and YourPlay days.³⁵¹ • \$58,837,589.92 incurred by the gaming industry: <ul style="list-style-type: none"> - Comprising pre-commitment system fees, costs to purchase card reader and kiosks, staff training costs and staff time to register players.³⁵² • \$2,339,417.88 incurred by patrons:
<ul style="list-style-type: none"> • Operational costs 	
<ul style="list-style-type: none"> • Training costs 	

³⁵⁰ The Hon. Ray Finkelstien, AO, QC Commissioner, [Royal Commission into the Casino Operator and Licence - The Report](#), Victorian Government Printer, 2021, p 57. Accessed 25 February 2022

³⁵¹ Steven Whetton, et al, op. cit., p 120

³⁵² Ibid.

	- Comprising time value of registering and inserting card and using pin. ³⁵³
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New Zealand

Table 24: Player card gaming used in relation to New Zealand EGMs

Research question	Player card gaming					
Outcome 1: Jurisdictional scan						
What technology options are available?	<p>Player card gaming in New Zealand is comprised of the voluntary pre-commitment system offered as part of the player loyalty system offered in New Zealand casinos in conjunction with cashless gaming technologies.</p> <p>As at July 2017, cashless gaming technology has been implemented by two main types of venue:</p> <ul style="list-style-type: none">• casino• class 4 venues (the New Zealand equivalent to hotels and clubs).³⁵⁴ <p>Cashless technology in New Zealand can be broadly split into two groups:</p> <ul style="list-style-type: none">• Player account:<ul style="list-style-type: none">- player loyalty cashless account for casinos³⁵⁵- white card for SkyCity Adelaide only.³⁵⁶• Ticket-in ticket-out:<ul style="list-style-type: none">- Printed Ticket, Ticket-in Ticket-out (TITO) for casinos³⁵⁷- De-Centralised Off-line Cash-In-Ticket-Out (DOCITO) for hotels and clubs.³⁵⁸ <p>Ticket-in Ticket-out (TITO) is prohibited in hotels and clubs.³⁵⁹</p> <p>The high-level components of player card gaming in NZ are outlined in Table 25.</p> <p>Table 25: NZ player card gaming</p> <table><tr><th>Patron identification³⁶⁰</th><th>Cashless gaming</th><th>Pre-commitment tools³⁶¹</th></tr></table>			Patron identification ³⁶⁰	Cashless gaming	Pre-commitment tools ³⁶¹
Patron identification ³⁶⁰	Cashless gaming	Pre-commitment tools ³⁶¹				

³⁵³ Ibid.

³⁵⁴ [Gambling Technical Equipment - Cashless Gambling](#), Department of Internal Affairs. Accessed 21 January 2022

³⁵⁵ Department of Internal Affairs, [Minimum Cashless Technical Requirements for Printed Ticket-In-Ticket-Out and Player Loyalty Account-Based Cashless Gambling Technology](#), 2017, p 2. Accessed 21 January 2022

³⁵⁶ [Gambling Technical Equipment - Cashless Gambling](#), Department of Internal Affairs. Accessed 21 January 2022

³⁵⁷ Ibid.

³⁵⁸ Department of Internal Affairs, [Minimum Technical Requirements for Class 4 De-Centralised Off-Line Cash-In-Ticket-Out Systems](#), 2017, p 1. Accessed 21 January 2022

³⁵⁹ Ibid.

³⁶⁰ Her Majesty the Queen in Right of New Zealand acting by and through the Minister for Economic Development and SKYCITY Entertainment Group Limited, [New Zealand International Convention Centre Project and Licensing Agreement](#), 2013, p 107-108

³⁶¹ Ibid., p 28

	<ul style="list-style-type: none"> • Mandatory for player loyalty cashless accounts • Optional for white cards 	<ul style="list-style-type: none"> • Player loyalty cashless accounts • White cards (SkyCity Auckland Casino only) 	<ul style="list-style-type: none"> • Voluntary pre-commitment <ul style="list-style-type: none"> - Only available to casino patrons through the loyalty card • Time and expenditure limits • On-screen messaging when approaching limits
What are the technology's broad parameters / components?	<p>Casino</p> <p><i>'Player Loyalty Cashless Account means a centralised account held on the Casino Electronic Monitoring System [CEMS] that is only able to be utilised by the use of a player's loyalty card (or equivalent).'</i>³⁶²</p> <p>White cards are cards issued by SkyCity Adelaide to patrons solely for the purposes of cashless gaming with transactions being recorded against, at minimum, a unique card number and are not related to the loyalty scheme.³⁶³</p> <p><i>'Printed Ticket, Ticket-In Ticket-Out (TITO) means any ticket used or capable of being used in a casino in the conduct of gambling on a gaming machine or other gaming device in place of cash.'</i>³⁶⁴</p> <p>Hotel and club</p> <p>DOCITO systems comprise:</p> <ul style="list-style-type: none"> • ticket printer device (replacing the gaming machine's coin hopper) • a Cashier's Redemption Terminal (CRT) operated solely by venue staff • optionally, an Automated Kiosk which is a stand-alone self-service machine for ticket redemption.³⁶⁵ <p>Notably, DOCITO systems do not have direct, real-time communication between the ticket printer, CRT or any central controlling server / equipment.³⁶⁶</p>		

³⁶² Department of Internal Affairs, [Minimum Cashless Technical Requirements for Printed Ticket-In-Ticket-Out and Player Loyalty Account-Based Cashless Gambling Technology](#), 2017, p 2-3. Accessed 24 January 2022

³⁶³ Minister for Economic Development and SKYCITY Entertainment Group Limited, [New Zealand International Convention Centre Project and Licensing Agreement](#), 2013, Part 4 of 4, p 106. Accessed 21 January 2022

³⁶⁴ Department of Internal Affairs, [Minimum Cashless Technical Requirements for Printed Ticket-In-Ticket-Out and Player Loyalty Account-Based Cashless Gambling Technology](#), 2017, p 3. Accessed 24 January 2022

³⁶⁵ Department of Internal Affairs, [Minimum Technical Requirements for Class 4 De-Centralised Off-Line Cash-In-Ticket-Out Systems](#), 2017, p 1-2. Accessed 24 January 2022

³⁶⁶ Ibid., p 2

Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>Sections 327 and 328(2) of the <i>Gambling Act 2003</i> comprise the legislative basis for the Secretary of Internal Affairs to prescribe minimum standards for gaming equipment.³⁶⁷ These minimum standards form the basis for the implementation of technology in venues.</p> <p>Casino</p> <p><i>'The ad hoc approach to cashless gambling in New Zealand casinos has created a "patchy" environment where minimum standards are created in response to particular requests from casinos and tailored to the particular way the requesting casino wishes to operate.'</i>³⁶⁸</p> <p>The framework that applies to cashless technology for casinos comprises:</p> <ul style="list-style-type: none"> • 'For SkyCity Auckland, Minimum Technical Requirements for Cashless Gambling as contained in Schedule 14 of the New Zealand International Convention Centre Project (NZICC) and Licensing agreement...' ³⁶⁹ <ul style="list-style-type: none"> - GLI-16: Cashless Systems in Casinos.³⁷⁰ • For all other casinos it is: <ul style="list-style-type: none"> - Minimum Cashless Technical Requirements for Printed Ticket-In Ticket Out and Player Loyalty Account-Based Cashless Gambling Technology.³⁷¹ <p>The governance framework of the New Zealand PCG systems is illustrated in Figure 7.</p>

³⁶⁷ [Gambling Act 2003](#), Part 4, Sub-part 5. Accessed 24 January 2022

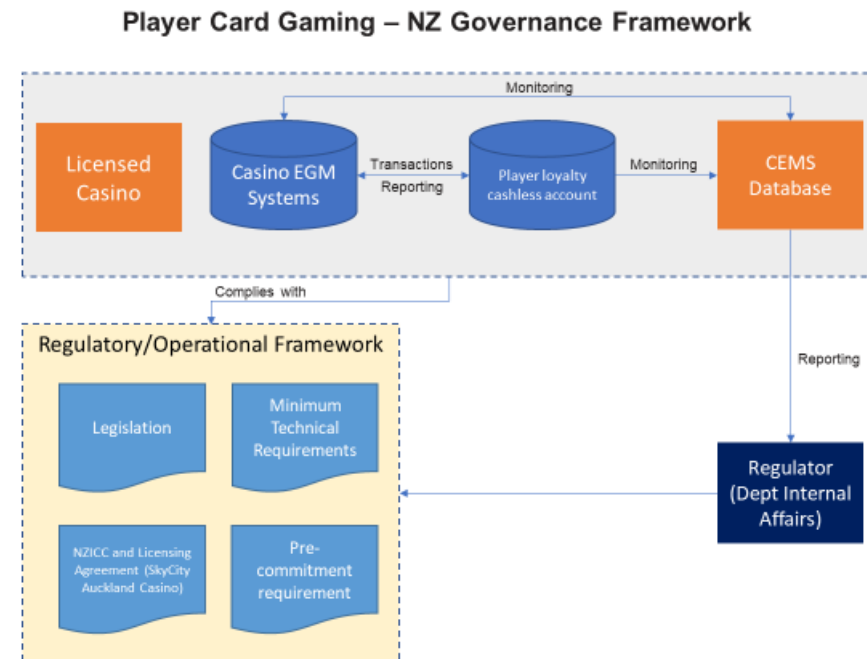
³⁶⁸ Department of Internal Affairs, [Consultation: Account-Based Cashless Gambling in Casinos](#), 2016, p 4. Accessed 24 January 2022

³⁶⁹ [Gambling Technical Equipment - Cashless Gambling](#), Department of Internal Affairs. Accessed 21 January 2022

³⁷⁰ [Gambling Technical Equipment - Gambling Act \(Casino Gambling Equipment\) Minimum Standard](#), Department of Internal Affairs. Accessed 21 January 2022

³⁷¹ [Gambling Technical Equipment - Cashless Gambling](#), Department of Internal Affairs. Accessed 21 January 2022

Figure 7: Player card gaming - NZ governance framework



Hotel and club

There is limited provision for cashless technology in hotels and clubs under [Minimum Technical Requirements for Class 4 De-Centralised Off-Line Cash-In-Ticket-Out Systems 2017](#).³⁷²

What business practices/requirements are in place?

Casino

Casinos can issue player loyalty cashless accounts to patrons. These integrate with the voluntary pre-commitment schemes offered by the casino.³⁷³

There are other requirements and practices outlined in the minimum standard which include requirements related to:

- player loyalty card reader interfaces
- electronic transfer limits.³⁷⁴

Casinos can operate TITO systems which need to meet their relevant minimum technical requirements outlined by the regulator which include:

- system requirements (ticket validation, invalid tickets, acceptance conditions, ticket information, etc.)
- banknote and ticket acceptance specifications
- automated kiosk
- electronic transfer limits.³⁷⁵

Hotel and club

³⁷² Ibid.

³⁷³ Department of Internal Affairs, [Minimum Cashless Technical Requirements for Printed Ticket-In-Ticket-Out and Player Loyalty Account-Based Cashless Gambling Technology](#), 2017, p 2-3. Accessed 21 January 2022

³⁷⁴ Ibid., p 4-6

³⁷⁵ Ibid., p 6-12

	<p>DOCITO offered in hotels and clubs has operational requirements outlined by the regulator that include but are not limited to:</p> <ul style="list-style-type: none"> • \$999 limit of the value of tickets to spend or redeem • the ticket printer and CRT must be uniquely paired to ensure the tickets printed at the venue can only be redeemed at the venue • requirements for ticket coding (e.g. barcode) • security measures to ensure only valid tickets are used • requirements for CRT • reporting requirements (number of tickets, detailed for each ticket, date and time, etc.).³⁷⁶
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> • From an operational perspective 	Research did not identify information to address this issue
<ul style="list-style-type: none"> • In minimising harm caused by gambling 	<p>In the Schlotter Consulting report, <i>An exploratory study examining pre-commitment in New Zealand</i>, the relevance of cashless gambling technology to pre-commitment systems, and thus its role in harm minimisation, was questioned.</p> <p><i>'The reason why cashless gambling was raised as a useful feature of pre-commitment systems by problem gamblers is unclear.</i></p> <p><i>Early trials of cashless gambling based pre-commitment systems in some jurisdictions have anecdotally reported that cashless gambling may allow improved expenditure monitoring by gamblers (as money is held in an account on a card).</i></p> <p><i>However, the longer-term impacts of cashless gambling remain unknown. It is also apparent that, while some gamblers consider cashless gambling as useful, some members of the community in New Zealand remain concerned about possible 'unknown' effects of cashless gambling (e.g., whether it could lead to greater gambling expenditure).</i></p> <p><i>This may thus highlight the potential to examine both cashless and non-cashless pre-commitment systems in any future New Zealand trials.'</i>³⁷⁷</p>

³⁷⁶ Department of Internal Affairs, [Minimum Technical Requirements for Class 4 De-Centralised Off-Line Cash-In-Ticket-Out Systems](#), 2017, p 2-3. Accessed 24 January 2022

³⁷⁷ Schottler Consulting Pty Ltd, [An exploratory study examining pre-commitment in New Zealand](#), 2016, p 19. Accessed 24 January 2022

Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	<p>During the exploratory study (the Schlotter report) examining pre-commitment in New Zealand, a focus group of patrons ‘...discussed the concept of cashless gambling as a possible feature of a future pre-commitment system. There was a general view, however, that if the system was cashless, then a range of security features needed to be in place to ensure that gamblers did not lose the money they held on their card.’³⁷⁸</p> <p>The focus group also outlined specific views about cashless gambling, which included:</p> <ul style="list-style-type: none"> • Concerns about the security of cards, especially anonymous cards. • Potential for spending more money on gambling because: <ul style="list-style-type: none"> - using the card could allow you to play longer - the card is ‘...not as material as the actual cash in front of you.’³⁷⁹
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue
Outcome 6: Potential costs	
What are the implementation costs for the technology	
• Capital costs	Research did not identify information to address this issue
• Operational costs	
• Training costs	

³⁷⁸ Schlotter Consulting Pty Ltd, Op. cit., p 66

³⁷⁹ Ibid.

Norway

Table 26: Player card gaming used in relation to Norwegian interactive video terminals (IVTs)

Research question	Player card gaming								
Outcome 1: Jurisdictional scan									
What technology options are available?	<p>The Norwegian Government banned all EGMs in July 2007 and in 2009 installed new interactive video terminals (IVTs) which are similar to EGMs.³⁸⁰</p> <p>As at April 2012, there were 2,750 IVTs in Norway.³⁸¹</p> <p>The state-owned company, Norsk Tipping, previously operated all gaming machines and now operates all IVTs in Norway.³⁸²</p> <p>The PCG system used in Norway is a mandatory card based cashless system with robust harm minimisation features. Patrons must use a Norsk Tipping player card to use an IVT.³⁸³</p> <p>The high-level components of Norwegian PCG are outlined in Table 27.</p> <p>Table 27: Norwegian player card gaming</p>								
	<table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><ul style="list-style-type: none">Mandatory</td><td><ul style="list-style-type: none">Player account linked to the Norsk Tipping player card</td><td><ul style="list-style-type: none">Default time and expenditure limits and breaks in playCan set personalised limitsSelf-exclusionActivity statements</td></tr></table>			Patron identification	Cashless gaming	Pre-commitment tools	<ul style="list-style-type: none">Mandatory	<ul style="list-style-type: none">Player account linked to the Norsk Tipping player card	<ul style="list-style-type: none">Default time and expenditure limits and breaks in playCan set personalised limitsSelf-exclusionActivity statements
	Patron identification	Cashless gaming	Pre-commitment tools						
<ul style="list-style-type: none">Mandatory	<ul style="list-style-type: none">Player account linked to the Norsk Tipping player card	<ul style="list-style-type: none">Default time and expenditure limits and breaks in playCan set personalised limitsSelf-exclusionActivity statements							
What are the technology's broad parameters / components?	<p>Broadly, Norsk Tipping player cards:</p> <ul style="list-style-type: none">are registered to specific patrons (i.e. not anonymous)must be accessed using a Personal Identification Number (pin)are only available to Norwegian citizenshave predetermined limits (such as on daily spend, maximum bets, maximum wins and breaks)can have personal limits set by patrons, including self-exclusion								

³⁸⁰ Angela Rintoul and Anna Thomas, [Pre-commitment systems for electronic gaming machines](#), Australian Gambling Research Centre, p 7. Accessed 24 January 2022

³⁸¹ Bjørn Helge Hoffmann, [The Norwegian story – with a happy ending?](#), Norsk Tipping AS, p 14. Accessed 27 January 2022

³⁸² [About us](#), Norsk Tipping website. Accessed 24 January 2022

³⁸³ Ian Horne, [The Gaming Machine Environment in Norway](#), Australian Hotels Association, 2009, p 5. Accessed 24 January 2022

	<ul style="list-style-type: none"> collect information to provide them with an overview of the patron's gambling activity.³⁸⁴
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The Norwegian Government regulates all gambling (except racing) in Norway through the Ministry of Culture and Equality and administers:</p> <ul style="list-style-type: none"> Gambling Act³⁸⁵ Lottery Act³⁸⁶ <p>It is understood that these form the legislative basis for the use of IVTs in Norway.</p> <p>Under the Norwegian system, IVTs report gambling activity to the Gaming Board and a central server directly which <i>'opens totally new possibilities in responsible gaming.'</i>³⁸⁷</p>
What business practices / requirements are in place?	<p>The Norwegian player card gaming system supports mandatory pre-commitment by:</p> <ul style="list-style-type: none"> being the only payment option recording all transactions and making them available to the player having predetermined limits that all players must comply with unless they set their own personal commitments.³⁸⁸ <p>In 2014, PLAYSCAN was implemented by Norsk Tipping to decrease the gambling activity of at-risk patrons. It is a responsible gambling tool that carries out three critical functions:</p> <ul style="list-style-type: none"> risk assessment: <ul style="list-style-type: none"> Playscan monitors player behaviour / gambling activity for harmful behaviours alongside factoring a self-rated test (GamTest) feedback from the risk assessment: <ul style="list-style-type: none"> this is provided to the player on the Playscan website receiving advice: <ul style="list-style-type: none"> the player can choose to receive advice in relation to gambling related supports (e.g., restrict level of gambling, budget setting, self-exclusion, etc.).³⁸⁹ <p>The use of Playscan is voluntary for land-based gamblers and mandatory for online gamblers in Norway.³⁹⁰</p>

³⁸⁴ Ibid.

³⁸⁵ [Gambling Act etc.](#) Accessed 24 January 2022

³⁸⁶ [Act on lotteries, etc.](#) Accessed 28 January 2022

³⁸⁷ Bjørn Helge Hoffmann, op. cit., p 12

³⁸⁸ Ibid.

³⁸⁹ Forsström, D., Rozental, A., Wiklund, E. et al. [Gamblers' Perception of the Playscan Risk Assessment: A Mixed-Methods Study](#), 2021, Journal of Gambling Studies, p 3. Accessed 24 January 2022

³⁹⁰ Ibid, p 4-5

Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	In a presentation delivered by Bjørn Helge Hoffmann, a Norsk Tipping Senior Advisor, the ban of slot machines and the introduction of the Aristocrat Lotteries Multix IVTs was heralded as a success. ³⁹¹
<ul style="list-style-type: none"> In minimising harm caused by gambling 	<p>Ladouceur, Blaszczynski and Lalande (2012) put forward ‘Arguments offered by both proponents and opponents of pre-commitment referred to available data derived from trials conducted in ...Norway with no apparent consensus on what the data demonstrated in respect of the effectiveness of pre-commitment as a public health measure.’³⁹²</p> <p>Notably, Rintoul and Thomas suggest that ‘An assessment of the impact of [Norway’s full pre-commitment system including a universal maximum loss limit per day and month] demonstrated that losses fell following the introduction of new machines in 2009, while calls to gambling helplines reduced substantially, providing indirect evidence that the changes were successful (Lund, 2009).’^{393 394}</p> <p>Figures reported by Norsk Tipping in 2012 indicate that in Q4 of 2011:</p> <ul style="list-style-type: none"> ‘15% of gamblers were stopped by their Global monthly limit 1.6% of gambling sessions stopped with the mandatory break (after 1 hour of continuous play) 1.1% set personal time limits 2.3% set stricter personal money limits.’³⁹⁵ <p>They report this as a success and discuss that although the ‘ban on bank notes and the later ban on slot machines had the biggest effect on [reducing player gambling expenditure] but the introduction of IVTs did not bring the problems back.’³⁹⁶</p> <p>They also noted that the ‘Player Card imposed some challenges [regarding player impulse] arising from the transfer of money and availability.’³⁹⁷</p>

³⁹¹ Bjørn Helge Hoffmann, op. cit., p 26

³⁹² Robert Ladouceur, Alex Blaszczynski and Daniel R. Lalande, [Pre-commitment in gambling: a review of the empirical evidence](#), International Gambling Studies, p 2. Accessed 24 January 2022

³⁹³ Angela Rintoul and Anna Thomas, [Pre-commitment systems for electronic gaming machines](#), Australian Gambling Research Centre, p 7. Accessed 24 January 2022

³⁹⁴ Ingeborg Lund, [Gambling behaviour and the prevalence of gambling problems in adult EGM gamblers when EGMs are banned. A natural experiment](#), Journal of Gambling Studies, 2009, p 215–225. Accessed 24 January 2022

³⁹⁵ Bjørn Helge Hoffmann, op. cit., p 23.

³⁹⁶ Ibid., p 8, 27.

³⁹⁷ Ibid., p 23.

Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>The following critical implementation issues / concerns were identified:</p> <ul style="list-style-type: none"> Ladouceur, Blaszczynski and Lalande indicated that the Norwegian experience is not directly comparable to the Australian EGM environment – stating that <i>'caution is expressed regarding the validity of extrapolating the Norway findings to other jurisdictions, given differences in the types of low-intensity electronic gaming machines compared to North American and Australian machines.'</i> ³⁹⁸ Norway's full pre-commitment system is facilitated by Norsk Tipping having a monopoly on all IVTs. ³⁹⁹
Outcome 6: Potential costs	
What are the implementation costs for the technology	
<ul style="list-style-type: none"> Capital costs 	Research did not identify information to address this issue
<ul style="list-style-type: none"> Operational costs 	
<ul style="list-style-type: none"> Training costs 	

³⁹⁸ Ladouceur, et al., op. cit., p 7

³⁹⁹ [About us](#), Norsk Tipping website. Accessed 24 January 2022

Nova Scotia (Canada)

Table 28: Player card gaming used in relation to Nova Scotian video lottery terminals (VLTs)

Research question	Player card gaming						
Outcome 1: Jurisdictional scan							
What technology options are available?	<p>In 2009 there were a total of 3,791 VLTs, comprising:</p> <ul style="list-style-type: none">• 962 in casinos• 2,234 in 391 liquor licenced venues• 595 in First Nations gaming sites.⁴⁰⁰ <p>Notably, there was moratorium on VLTs introduced in 2005 ⁴⁰¹ which was continued in 2011.⁴⁰²</p> <p>The Government of Nova Scotia introduced the MPS, a pre-commitment system, in 2010 for VLTs, which are equivalent to EGMs, following several trials of pre-commitment systems.</p> <p>The MPS was:</p> <ul style="list-style-type: none">• ‘...[a] province wide card-based player system for VLTs’ ⁴⁰³• provided by Techlink Entertainment (now declared bankrupt)^{404 405}• made mandatory in both in 2012 with light and full enrolment options⁴⁰⁶• discontinued in 2014.⁴⁰⁷ <p>For the purposes of this report, the MPS was the PCG system used in Nova Scotia and its high-level components are outlined in Table 29.</p> <p>Table 29: Nova Scotia player card gaming</p> <table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><ul style="list-style-type: none">• Optional:<ul style="list-style-type: none">- Light (anonymous)</td><td><ul style="list-style-type: none">• Not identified</td><td><ul style="list-style-type: none">• Time and expenditure limits• Ability to stop your access for 24, 48, or 72</td></tr></table>	Patron identification	Cashless gaming	Pre-commitment tools	<ul style="list-style-type: none">• Optional:<ul style="list-style-type: none">- Light (anonymous)	<ul style="list-style-type: none">• Not identified	<ul style="list-style-type: none">• Time and expenditure limits• Ability to stop your access for 24, 48, or 72
Patron identification	Cashless gaming	Pre-commitment tools					
<ul style="list-style-type: none">• Optional:<ul style="list-style-type: none">- Light (anonymous)	<ul style="list-style-type: none">• Not identified	<ul style="list-style-type: none">• Time and expenditure limits• Ability to stop your access for 24, 48, or 72					

⁴⁰⁰ Ian Horne, [The Gaming Machine Environment in Nova Scotia](#), Australian Hotels Association, 2009, p 5. Accessed 25 January 2022

⁴⁰¹ Keith Doucette, [New VLT moratorium to continue in Nova Scotia](#), iPolitics website, 2011. Accessed 25 January 2022

⁴⁰² The Government of Nova Scotia, [Responsible Gaming Strategy 2011](#), p 5. Accessed 25 January 2022

⁴⁰³ The Government of Nova Scotia, [Responsible Gaming Strategy 2011](#), p 4. Accessed 24 January 2022

⁴⁰⁴ Canadian Broadcasting Corporation, [VLT cards that track gambling habits abandoned in Nova Scotia](#), 2014. Accessed 24 January 2022

⁴⁰⁵ Joan Weeks, [Techlink founder Xidos of Sydney starts new gaming company](#), Canadian Broadcasting Corporation, 2016. Accessed 24 January 2022

⁴⁰⁶ The Government of Nova Scotia, [Responsible Gaming Strategy 2011](#), p 5. Accessed 24 January 2022

⁴⁰⁷ Nova Scotia Provincial Lotteries and Casino Corporation, [Government to Remove My-Play System from VLTs](#). Accessed 24 January 2022

	<ul style="list-style-type: none">- Full (government issued ID needed to create an account)	<ul style="list-style-type: none">hours (breaks in play)• Self-exclusion• Access to historical / current activity data
What are the technology's broad parameters / components?	<p>The MPS comprised a magnetic card reader fitted to a VLT. During the mandatory phase, patrons had to be enrolled in the MPS and needed to swipe their card to use the VLT.^{408 409}</p> <p><i>'The My-Play System [provided] the player with</i></p> <ul style="list-style-type: none">• historical information on the total amount spent and the time played by day, week, month, and year• information on current in-play activity, including the amount spent and the amount cashed out in the current session• the ability to set spending and time limits by day, week, month, or year• the ability to immediately stop play for 24, 48, or 72 hours.'⁴¹⁰	
Outcome 2: Where and how		
What is the regulatory framework that applies?	<p>The Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia (the regulator) administers the:</p> <ul style="list-style-type: none">• Gaming Control Act• Video Lottery Regulations• Atlantic Lottery Regulations• Casino Regulations.⁴¹¹ <p>These pieces of legislation underpin the legislative framework for the operation of VLTs in Nova Scotia.</p> <p>The Nova Scotia Gaming Corporation (NSGC) is a Crown corporation with a mandate to <i>'ensure gaming is as socially responsible as possible and generates reasonable economic returns.'</i>⁴¹²</p> <p>Accordingly, the NSGC was the body responsible for the implementation of the MPS and worked with the system developer, Techlink Entertainment, to build the system.⁴¹³</p>	

⁴⁰⁸ Robert Ladouceur, Alex Blaszczyński and Daniel R. Lalande, [Pre-commitment in gambling: a review of the empirical evidence](#), International Gambling Studies, p 7. Accessed 25 January 2022

⁴⁰⁹ Responsible Gambling Council Centre for the Advancement of Best Practices, [My-Play System Evaluation: Final Report](#), 2016, p 3. Accessed 25 January 2022

⁴¹⁰ The Government of Nova Scotia, [Responsible Gaming Strategy 2011](#), p 4. Accessed 24 January 2022

⁴¹¹ [Alcohol and Gaming](#), Access Nova Scotia website. Accessed 25 January 2022

⁴¹² Responsible Gambling Council Centre for the Advancement of Best Practices, [My-Play System Evaluation: Final Report](#), 2016, Attachment A, p 77. Accessed 25 January 2022

⁴¹³ Ibid., p 5

What business practices/requirements are in place?	<p>The MPS had two main types that patrons could choose:</p> <ul style="list-style-type: none"> • Light <ul style="list-style-type: none"> - 'A player receives a player card with a unique identifier number, but no personal information is used or stored to generate the account.' ⁴¹⁴ • Full <ul style="list-style-type: none"> - 'To create an account, a player swipes or scans a government issued ID at an enrolment terminal. The ID data is then scrambled to make a unique, confidential account identifier in the system. This unique identifier allows players to access their play activity as well as use the player information tools .' ⁴¹⁵
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> • From an operational perspective 	<p>The <i>My-Play System Evaluation: Final Report</i> (the report) 'presents the final results of the evaluation of the [MPS] that took place over a five-year period from 2008 to 2013.' ⁴¹⁶</p> <p>A key finding from that report regarding the operational effectiveness of the MPS was, 'Player resistance to the [MPS], whether in the voluntary or mandatory stage, is a key observation and an issue that needs to be addressed in any further adoptions of a system such as the [MPS].</p> <p><i>Throughout, there was a large group of players who simply didn't see a need for such a system because they did not gamble enough or they did not have a gambling problem.</i></p> <p><i>Despite extensive efforts to promote and sell the [MPS], most players did not come around to see the benefits of using the system for themselves.'</i> ⁴¹⁷</p>
<ul style="list-style-type: none"> • In minimising harm caused by gambling 	<p>Outcomes from the report suggests that there was a general decline in problem gambling rates within the cohort of problem video lottery gamblers that participated in the study, although this trend emerged before the introduction of the MPS. This was likely partially attributed to general declines. ⁴¹⁸</p> <p>The proportion of problem and medium-risk gamblers decreased from the baseline rate in 2008 of 53% to 29% in 2013 during the mandatory phase. ⁴¹⁹</p> <p>The data suggested '...problem and medium-risk gamblers are disproportionately spending less time and money on VLT gambling than before as compared to non-problem or low-risk gamblers.' ⁴²⁰</p>

⁴¹⁴ Ibid., p 3.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid., p 57

⁴¹⁷ Responsible Gambling Council Centre for the Advancement of Best Practices, op. cit., p 59

⁴¹⁸ Ibid., p 53

⁴¹⁹ Ibid., p 53

⁴²⁰ Ibid., p 53

	<p>Regarding limits and breaks in play, the <i>'...usage of the control features (My Play Limit, My Money Limit, and Quick Stop) ⁴²¹ is relatively low.'</i> It was observed that following the MPS being made mandatory there was an increase of control feature usage but the majority were rare or one-off occurrences. ⁴²²</p> <p>Furthermore, <i>'...there is no robust evidence that control features ...have an effect on player behaviour.'</i> ⁴²³</p> <p>It was observed that the self-exclusion tool <i>'...reduces spending by a statistically significant margin. Hours spent gambling reduces by roughly 12 hours, cash played reduces by \$4,100, and out-of-pocket spending reduces by \$250 on average over the six-month period.'</i> ⁴²⁴</p> <p>The MPS monitoring features (My Account and My Live Action) ⁴²⁵ which allow users to see their activity, were shown to be used by more patrons than the control features. ⁴²⁶</p> <p>Interestingly, it was observed that patrons that viewed their live gaming action reduced their spending but patrons that viewed their past activity increased their spending. ⁴²⁷</p> <p>In conclusion, <i>'this report presents the final results of the evaluation of the MPS that took place over a five-year period from 2008 to 2013... Overall, the results suggest that while some aspects of the [MPS] were associated with reduced negative outcomes for [video lottery] gamblers, poor utilization of the system was a significant issue.'</i> ⁴²⁸ Moreover, the effectiveness of the harm minimisation features varies from having no effect to having a positive effect to being associated with increasing gambling spending.</p>
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	<p>According to the Nova Scotia Gaming Corporation (NSGC), the Government removed the MPS from VLTs in August 2014 after determining that the system was <i>'...not meeting its objectives'</i>. ⁴²⁹</p> <p><i>'[The] data showed that more than 99.9% of video lottery players chose light enrolment, used multiple cards and card shared, and the vast majority of players were not using the system features at all.'</i> ⁴³⁰</p> <p>Therefore, the inherent weakness of the MPS was that, despite it being mandatory, patrons had significant choice on the types of harm minimisation features imposed on them – and the vast majority chose to not use them. ⁴³¹</p>

⁴²¹ These control features correspond to the pre-commitment tools expenditure limit, time limit and breaks in play, respectively. Ibid., p 5

⁴²² Ibid., p 44

⁴²³ Ibid., p 52

⁴²⁴ Ibid., p 52

⁴²⁵ These monitoring features correspond to the pre-commitment tools access to historical / current data. Ibid., p 5

⁴²⁶ Ibid., p 44

⁴²⁷ Ibid., p 52

⁴²⁸ Ibid., p 57

⁴²⁹ Nova Scotia Provincial Lotteries & Casino Corporation, [2014-15 Summary of Results](#), p 2. Accessed 25 January 2022

⁴³⁰ Ibid.

⁴³¹ Ibid.

<p>Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?</p>	<p>The report had interesting findings related to issues raised by patrons, including:</p> <ul style="list-style-type: none"> • <i>'Focus group participants consistently raised the concern that the government was monitoring their play and that the information (such as winnings) could be used against them.'</i> ⁴³² • <i>'...many players found that privacy (in the sign-up process) was a concern.'</i> ⁴³³ <ul style="list-style-type: none"> - Note that this is in relation to patrons being embarrassed to sign up to the MPS.⁴³⁴ <p>Other issues reported by the focus groups related to:</p> <ul style="list-style-type: none"> • 'inconvenience • confusing to use • lack of knowledge • the system decreased the entertainment value [of using a VLT].'⁴³⁵
<p>Outcome 5: Implications or potential traps</p>	
<p>What are the critical implementation issues or concerns?</p>	<p>The relevant critical issues arising from the Nova Scotian MPS are:</p> <ul style="list-style-type: none"> • In a 2014 news release, the responsible Minister, Andrew Younger, stated: <ul style="list-style-type: none"> - 'While the My-Play System may have been a reasonable attempt to improve responsible gaming features on VLTs, in the end, it did not reduce play by people with gambling addictions, and in fact, the vast majority of play sessions didn't even use the main features of the product.'⁴³⁶ - This shows a distinct failure of the system to achieve the harm minimisation goals outlined by the Nova Scotian Government. • Issues with the data being used to evaluate the outcomes of the voluntary and mandatory phases of the implementation of the MPS arising from: <ul style="list-style-type: none"> - Delays in rolling out the voluntary and mandatory phases of the MPS: <ul style="list-style-type: none"> ♦ disrupting the data collection approach and timelines leading to lags between surveys⁴³⁷ ♦ loss of participants over time which '...impacted the generalizability of results'⁴³⁸

⁴³² Responsible Gambling Council Centre for the Advancement of Best Practices, op. cit., p 59

⁴³³ Ibid.

⁴³⁴ Ibid.

⁴³⁵ Ibid., p 9

⁴³⁶ Nova Scotia Provincial Lotteries and Casino Corporation, [Government to Remove My-Play System from VLTs](#). Accessed 24 January 2022

⁴³⁷ Responsible Gambling Council Centre for the Advancement of Best Practices, op. cit., p 9

⁴³⁸ Ibid.

	<ul style="list-style-type: none"> - The system provider losing 9 months of data during the voluntary evaluation period⁴³⁹ • Focus group research undertaken by NSGC during the mandatory phase of the MPS showed that player perceptions of the system '<i>...were quite negative.</i>'⁴⁴⁰ • Issues arising from players and venues not complying with the system: <ul style="list-style-type: none"> - 'Players were sharing cards, as well as carrying multiple cards and disposing of them in a public way (i.e., garbage cans, littering the floors, or leaving them at the machines). - Furthermore, despite compliance testing efforts, some establishments left pre-enrolled cards at the terminal for all players to use, which was against operating policies. - With the large majority of players using the light enrolment option and multiple cards, it was increasingly difficult to interpret the systems data. - It was also impossible to evaluate the benefits of a voluntary vs. mandatory MPS, as the mandatory light enrolment option was essentially the same as having the voluntary option.'⁴⁴¹
Outcome 6: Potential costs	
What are the implementation costs for the technology	
<ul style="list-style-type: none"> • Capital costs 	<p>The total cost to the NSGC of the MPS was \$CAD19,500,000, comprising:</p> <ul style="list-style-type: none"> • \$CAD13,100,000 in capital costs • \$CAD6,400,000 in costs related to developing and operating the system.⁴⁴²
<ul style="list-style-type: none"> • Operational costs 	
<ul style="list-style-type: none"> • Training costs 	

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid., p 10

⁴⁴² Canadian Broadcasting Corporation, [VLT cards that track gambling habits abandoned in Nova Scotia](#), 2014. Accessed 24 January 2022

Sweden

Table 30: Player card gaming used in relation to Swedish EGMs

Research question	Player card gaming								
Outcome 1: Jurisdictional scan									
What technology options are available?	Svenska Spel, the state owned monopoly operator, administers ‘... <i>land-based electronic gambling machines and land-based casinos</i> .’ ⁴⁴³								
	The number of land-based EGMs was unable to be determined. To get an idea of scale, the population of Sweden in 2020 was approximately 10.3 million – less than half of the population of Australia. ⁴⁴⁴								
	Svenska Spel made it mandatory for all customers to register with their pre-commitment system, thereby mandating the use of their player card – the Spellkortet customer card. ^{445 446}								
	It is understood that when a Spellkortet customer card is issued to a person, it is linked to their social security number. ⁴⁴⁷								
	The Svenska Spel pre-commitment system and Spellkortet customer card form the basis for player card gaming in Sweden and its high-level components are outlined in Table 31.								
	Table 31: Sweden player card gaming								
	<table><tr><th>Patron identification</th><th>Cashless gaming</th><th>Pre-commitment tools</th></tr><tr><td><ul style="list-style-type: none">• Mandatory<ul style="list-style-type: none">- Linked to patron’s social security number</td><td><ul style="list-style-type: none">• Mobile wallet</td><td><ul style="list-style-type: none">• Self-imposed limits on gambling• Self-exclusion• No mandated limits<ul style="list-style-type: none">- Thus, patron autonomy on limit setting⁴⁴⁸</td></tr></table>	Patron identification	Cashless gaming	Pre-commitment tools	<ul style="list-style-type: none">• Mandatory<ul style="list-style-type: none">- Linked to patron’s social security number	<ul style="list-style-type: none">• Mobile wallet	<ul style="list-style-type: none">• Self-imposed limits on gambling• Self-exclusion• No mandated limits<ul style="list-style-type: none">- Thus, patron autonomy on limit setting⁴⁴⁸		
Patron identification	Cashless gaming	Pre-commitment tools							
<ul style="list-style-type: none">• Mandatory<ul style="list-style-type: none">- Linked to patron’s social security number	<ul style="list-style-type: none">• Mobile wallet	<ul style="list-style-type: none">• Self-imposed limits on gambling• Self-exclusion• No mandated limits<ul style="list-style-type: none">- Thus, patron autonomy on limit setting⁴⁴⁸							

⁴⁴³ A Håkansson, V Henzel, [Who chooses to enroll in a new national gambling self-exclusion system? A general population survey in Sweden](#). Harm Reduct J 17, 82 (2020), p 2. Accessed 25 January 2022

⁴⁴⁴ [Sweden Population](#), Trading Economics website. Accessed 27 January 2022

⁴⁴⁵ Svenska Spel, [Annual Report 2014](#), p 27. Accessed 25 January 2022

⁴⁴⁶ Angela Rintoul and Anna Thomas, [Pre-commitment systems for electronic gaming machines](#), Australian Gambling Research Centre, p 7. Accessed 24 January 2022

⁴⁴⁷ Anna Thomas, Darren Christensen, Julie Deblaquiere, Andrew Armstrong, Sharnee Moore, Rachel Carson and Angela Rintoul [Review of electronic gaming machine pre-commitment features: Limit setting](#), Australian Gaming Research Centre. Accessed 24 January 2022

⁴⁴⁸ Ibid. Accessed 16 February 2022

What are the technology's broad parameters / components?	<p>It was announced in 2020 that Svenska Spel would implement IGTPay™, an app providing players with a mobile wallet method to deposit and withdraw '<i>...funds from their mobile device.</i>'⁴⁴⁹</p> <p>It is unclear whether the physical card has been phased out, or whether the new mobile wallet will run in parallel.</p> <p>It is also worth noting that, in addition to their pre-commitment system, Svenska Spel owns and uses the Playscan tool in relation to their gaming machine activities.⁴⁵⁰ Playscan is a responsible gambling tool that carries out three critical functions:</p> <ul style="list-style-type: none"> • risk assessment: <ul style="list-style-type: none"> - Playscan monitors player behaviour / gambling activity for harmful behaviours alongside factoring a self-rated test (GamTest) • feedback from the risk assessment: <ul style="list-style-type: none"> - this is provided to the player on the Playscan website • receiving advice: <ul style="list-style-type: none"> - the player can choose to receive advice in relation to gambling related supports (e.g., restrict level of gambling, budget setting and self-exclusion).⁴⁵¹
Outcome 2: Where and how	
What is the regulatory framework that applies?	<p>The Swedish Gambling Authority (Spelinspektionen) '<i>...is responsible for ensuring that the Swedish gaming and gambling market is legal, safe and reliable. We issue permits for lotteries and have overall responsibility for control and supervision of gambling and lottery activities in Sweden.</i>'⁴⁵²</p> <p>The relevant regulatory framework comprises:</p> <ul style="list-style-type: none"> • the Swedish Gambling Act (2018:1138) <ul style="list-style-type: none"> - Technical requirements made under Chapter 16 of the Swedish Gambling Act • the Swedish Gambling Ordinance (2018:1475) • Swedish Gambling Authority (Lotteriinspektionen) Regulations • General Guidelines on Responsible Gambling (LIFS 2018:2).⁴⁵³
What business practices/requirements are in place?	<p>All licensed gambling operators in Sweden have duty of care which requires licence holders to ensure that social and health considerations are observed in gaming operations.⁴⁵⁴</p> <p>Requirements under the legislative framework include:</p>

⁴⁴⁹ Content editor, [IGT and Svenska Spel roll out cashless gaming service in Sweden](#), igamingbusiness, 2020. Accessed 25 January 2022

⁴⁵⁰ Anna Thomas, et al., op. cit.

⁴⁵¹ Forsström, D., Rozental, A., Wiklund, E. et al. [Gamblers' Perception of the Playscan Risk Assessment: A Mixed-Methods Study](#), 2021, Journal of Gambling Studies, p 3. Accessed 24 January 2022

⁴⁵² [About the Swedish Gambling Authority](#), Spelinspektionen website. Accessed 25 January 2022

⁴⁵³ [Responsible Gambling](#), Spelinspektionen website. Accessed 25 January 2022

⁴⁵⁴ Spelinspektionen, [Guidance Duty of care](#), p 3. Accessed 25 January 2022

	<ul style="list-style-type: none"> • Self-imposed gambling limits: <ul style="list-style-type: none"> - Licensees must allow patrons to have limits or self-exclude.⁴⁵⁵ • Social responsibility: <ul style="list-style-type: none"> - Licensees ‘...must counteract excessive gambling and help gamblers reduce their gambling when there is reason to do so.’⁴⁵⁶ <p>From January 2019, it has been mandatory for licensed gambling operators to participate and bar individuals who have self-excluded under the national self-exclusion system - Spelpaus. It is understood that patrons self-exclude through the Spelpaus.Se website.^{457 458 459}</p>
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> • From an operational perspective 	No evidence on the operational effectiveness was identified.
<ul style="list-style-type: none"> • In minimising harm caused by gambling 	<p>No research outcomes regarding harm minimisation were identified that specifically related to the player card gaming system used by Svenka Spel. However, there are research outcomes that relate to harm minimisation outcomes of the Spelpaus national self-exclusion system.</p> <p>Håkansson and Henzel found that ‘<i>After the introduction of a novel nationwide system of self-exclusion from gambling, enrolment into such a system appears to be associated with younger age and, not surprisingly, with problem gambling. However, self-exclusion in this type of system may also apply to broader groups than only individuals who screen positive for a recent gambling problem. However, several potentially high-risk-oriented gambling activities were more common in self-excluders than among others.</i>’⁴⁶⁰</p>
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue

⁴⁵⁵ [Responsible Gambling](#), Spelinspektionen website. Accessed 25 January 2022

⁴⁵⁶ Ibid.

⁴⁵⁷ [This is how shutdown works on Spelpaus.se](#), Spelpause.se website. Accessed 25 January 2022

⁴⁵⁸ A Håkansson, V Henzel, op. cit., p 3

⁴⁵⁹ [Home page](#), Spelpause.se website. Accessed 15 February 2022

⁴⁶⁰ A Håkansson, V Henzel, op. cit., p 11

Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	Research did not identify information to address this issue
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	Research did not identify information to address this issue
Outcome 6: Potential costs	
What are the implementation costs for the technology	
• Capital costs	Research did not identify information to address this issue
• Operational costs	
• Training costs	

United States

Table 32: Player card gaming used in relation to USA EGMs

Research question	Player card gaming
Outcome 1: Jurisdictional scan	
What technology options are available?	<p>EGMs, known in the United States of America (USA) as slot machines, are found in every state, except New Hampshire, District of Columbia, Tennessee, Hawaii, Utah, and Vermont.⁴⁶¹</p> <p>The top five US states for the number of EGMs in 2019 was:</p> <ul style="list-style-type: none"> • Nevada – 163,612 • California – 75,369 • Oklahoma – 75,140 • Illinois – 42,940

⁴⁶¹ S. Lock, [Number of electronic gaming machines in the United States in 2019, by state](#), Statista website. Accessed 26 January 2022

- Louisiana – 39,998.⁴⁶²

For the purposes of this analysis, Nevada was chosen to focus our research. Nevada is home to a large gambling industry that engages in trade with Australia.⁴⁶³

Nevada has a framework for the approval of cashless wagering systems. It is understood that ‘...most major gaming equipment providers have developed or are in the process of creating mobile wallets.’⁴⁶⁴

Examples of cashless wagering systems used in Nevada are the:

- IGT ADVANTAGE™ system⁴⁶⁵
- Global Payments VIP pay⁴⁶⁶
- ACS PlayOn⁴⁶⁷
- Sightline Payments^{468 469}
- Resorts World mobile app^{470 471}
- Boyd Pay Wallet™.⁴⁷²

Approved systems are primarily used to facilitate cashless gambling but do have harm minimisation features. Accordingly, approved systems are considered to be forms of player card gaming in Nevada.

The high-level components of player card gaming in Nevada are outlined in Table 33.

Table 33: Nevada player card gaming

Patron identification ⁴⁷³	Cashless gaming	Pre-commitment tools ⁴⁷⁴
<ul style="list-style-type: none"> • Mandatory 	<ul style="list-style-type: none"> • Mobile / digital wallet 	<ul style="list-style-type: none"> • Default transfer limits

⁴⁶² Ibid.

⁴⁶³ Embassy of Australia, [Australia's Relationship with Nevada](#), p 1. Accessed 26 January 2022

⁴⁶⁴ Howard Stutz, [Nevada Gaming Commission approved regulation allowing cashless registration](#), The Nevada Independent. Accessed 27 January 2022

⁴⁶⁵ Newsdesk, [IGT receives full Nevada regulatory approval for cashless gaming solution](#), Inside Asian Gaming website. Accessed 26 January 2022

⁴⁶⁶ [Cashless Gaming](#), GlobalPayments website. Accessed 27 January 2022

⁴⁶⁷ Victorian Responsible Gambling Foundation, [What is the impact of cashless gaming on gambling behaviour and harm?](#), 2020, p 64. Accessed 27 January 2022

⁴⁶⁸ [Cashless!](#), Sightline website. Accessed 27 January 2022

⁴⁶⁹ Howard Stutz, op. cit.

⁴⁷⁰ This is a mobile wallet developed by Konami gaming. Ibid.

⁴⁷¹ Ibid.

⁴⁷² Aristocrat Technologies Inc., [Aristocrat Gaming™ and Boyd Gaming Launch Cashless Table Game Field Trial in Nevada](#), Cision PR Newswire website. Accessed 26 January 2022

⁴⁷³ Nevada Gaming Commission, [Technical Standard 3 - Integrity of and Proper Accounting for On-Line Slot Systems and Cashless Wagering Systems](#), p 7. Accessed 15 February 2022

⁴⁷⁴ Ibid., p 4-5

			<ul style="list-style-type: none">- set by gaming establishments or system provider• Signage on EGMs informing patrons that they can set transfer limits
What are the technology's broad parameters / components?	<p>As defined under Regulation 14 of the Nevada Gaming Commission and Nevada Gaming Control Board, <i>‘Cashless wagering system means the collective hardware, software, communications technology, and other associated equipment used to facilitate wagering on any game or gaming device including mobile gaming systems and interactive gaming systems with other than chips, tokens or legal tender of the United States.’</i></p> <p>To illustrate, the approved IGT ADVANTAGE™ system allows <i>‘...players the option to fund their cashless wagering accounts directly from their personal mobile devices eliminating the need to handle cash or visit a casino cage, ATM or kiosk.</i></p> <p><i>By combining Resort Wallet™⁴⁷⁵ and IGTPay™⁴⁷⁶, players can securely transfer funds to and from their cashless wagering account from a range of external payment sources such as bank accounts, credit and debit cards or Sightline Play+ prepaid accounts, the company explained.</i></p> <p><i>Funds within the PIN-protected cashless wagering account can then be transferred to and from a slot game with a simple tap of a smartphone when initiating or concluding cashless slot play.</i>⁴⁷⁷</p> <p>Additionally, cashless gaming kiosks can be a part of the system. A cashless gaming kiosk <i>‘...is a device capable of accepting or generating wagering instruments and/or wagering credits or is capable of initiating electronic transfers of money to or from a wagering account or is used to facilitate other forms of cashless wagering functionality.</i>⁴⁷⁸</p>		
Outcome 2: Where and how			
What is the regulatory framework that applies?	<p>The regulatory framework for gambling depends on each state, as each state, through their laws, determines what types, if any, of gambling are permissible.⁴⁷⁹</p> <p>Accordingly, there is not a regulatory framework that applies universally to gambling in the USA.</p> <p>In Nevada the following regulatory framework applies for PCG technology.</p>		

⁴⁷⁵ '*Enables funds transfer to and from the game using your mobile device*' [IGT ADVANTAGE Cashless](#), International Game Technology website. Accessed 26 January 2022

⁴⁷⁶ '*...IGT's proprietary external funding gateway.*' [Resort Wallet](#), International Game Technology website. Accessed 26 January 2022

⁴⁷⁷ Newsdesk, [IGT receives full Nevada regulatory approval for cashless gaming solution](#), Inside Asian Gaming website. Accessed 26 January 2022

⁴⁷⁸ Nevada Gaming Control Board, [Technical Standards for Gaming Devices and Associated Equipment](#), p 1. Accessed 27 January 2022

⁴⁷⁹ [Gambling Law: An Overview](#), Legal Information Institute Cornell Law School. Accessed 26 January 2022

	<p><i>'The manufacture, sale and distribution of gaming devices and cashless wagering systems for use or play in Nevada and the operation of slot machine routes and inter-casino linked systems are subject to:</i></p> <ul style="list-style-type: none"> the Nevada Gaming Control Act and the regulations promulgated thereunder (collectively, the "Nevada Act"); and various local ordinances and regulations. <p><i>Gaming and manufacturing and distribution operations in Nevada are subject to the licensing and regulatory control of the Nevada Gaming Commission, the Nevada State Gaming Control Board and various other county and city regulatory agencies, collectively referred to as the "Nevada Gaming Authorities".⁴⁸⁰</i></p>
What business practices/requirements are in place?	<p>The business practices / requirements in place for cashless wagering systems in Nevada are outlined under the Nevada Act, the foremost being the technical requirements for cashless wagering systems, comprising:</p> <ul style="list-style-type: none"> Technical Standard 3 – Integrity of and Proper Account for On-line Slot Systems and Cashless Wagering Systems Technical Standard 5 – Cashless Wagering Kiosk.⁴⁸¹ <p>These technical requirements govern the technical specifics that cashless wagering systems must comply with to gain approval and cover harm minimisation measures including:</p> <ul style="list-style-type: none"> prohibition on using credit cards electronic funds transfer limits daily monetary transfer limit conspicuously displaying responsible gambling messaging on devices or printed items.⁴⁸² <p>Notably, on 20 January 2022 the Nevada Gaming Commission allowed patrons using cashless wagering system in casinos to verify their identity remotely and fund a cashless wagering account without having to physically go into a casino.⁴⁸³</p>
Outcome 3: Evidence of effectiveness	
What research outcomes exist that the technology is effective:	
<ul style="list-style-type: none"> From an operational perspective 	<p>It is understood that the Nevada Gaming Commission undertake field trials before approval of a cashless wagering system. Reportedly, these trials can last between 30 and 180 days.⁴⁸⁴ Accordingly, the technical effectiveness of a cashless wagering system is tacitly implied by the system being given</p>

⁴⁸⁰ Aristocrat Leisure Limited, [Nevada Regulatory Disclosure](#), p 1. Accessed 26 January 2022

⁴⁸¹ [Gaming Statutes & Regulations](#), Nevada Gaming Commission website. Accessed 25 January 2022

⁴⁸² Nevada Gaming Commission, [Technical Standard 3 - Integrity of and Proper Accounting for On-Line Slot Systems and Cashless Wagering Systems](#), section 3.150. Accessed 27 January 2022

⁴⁸³ Colton Lochhead, [Nevada regulators approve cashless gaming rules](#), Las Vegas Review-Journal. Accessed 27 January 2022.

⁴⁸⁴ Howard Stutz, op. cit.

	<p>approval by the Nevada Gaming Commission. Operational effectiveness of cashless wagering systems is not evident.</p> <p>Findings from field trials do not appear to be publicly available. A search of the Nevada Gaming Commission website did not find any results.</p>
<ul style="list-style-type: none"> In minimising harm caused by gambling 	<p>There is little information regarding the impacts of cashless wagering systems on harm minimisation. It is understood that <i>'Keith Whyte, Executive Director of the National Council on Problem Gambling (NCPG), reportedly stated that cashless systems ...are designed to increase the time and money that gamblers spend at the table, and are inherently likely to negatively impact individuals with gambling problems (Whyte, 2020; Cited in Silverstein, 2019).'</i>⁴⁸⁵</p>
Outcome 4: Evidence of weaknesses/impacts	
Have any weaknesses of the technology been identified, and what evidence exists of the extent of these weaknesses?	Research did not identify information to address this issue
Have any adverse impacts on recreational gamblers been identified? What evidence exists on the extent of these impacts?	See the harm minimisation research outcomes above.
Outcome 5: Implications or potential traps	
What are the critical implementation issues or concerns?	<p>The critical implementation issue appears to be balancing reforms to support new technology with that of the potential impact on gamblers, as demonstrated by Sandra Morgan, the Nevada Gaming Control Board Chairperson. She said of the implementation of cashless wagering systems, <i>'I've been pretty public saying that I'm open to looking at new ways that technology can help attract new customers and be beneficial for not only the industry, but even for responsible gaming measures as well.'</i>⁴⁸⁶</p> <p>Widespread industry development of cashless wagering systems in Nevada following the regulatory changes to the Nevada legislation and the publishing of technical standards 3 and 5 to allow for the use of cashless wagering systems⁴⁸⁷ indicates that there is likely to be benefits to the operators of the new systems. However, there are suggestions, such as those by Keith Whyte, that cashless wagering systems are likely to negatively impact problem gamblers.⁴⁸⁸</p>

⁴⁸⁵ Victorian Responsible Gambling Foundation, [What is the impact of cashless gaming on gambling behaviour and harm?](#), 2020, p 64. Accessed 27 January 2022

⁴⁸⁶ Richard N. Velotta, [Nevada commission considers regulations for more cashless gaming](#), Las Vegas Review-Journal. Accessed 27 January 2022

⁴⁸⁷ Howard Stutz, op. cit.

⁴⁸⁸ Victorian Responsible Gambling Foundation, [What is the impact of cashless gaming on gambling behaviour and harm?](#), 2020, p 64. Accessed 27 January 2022

Outcome 6: Potential costs	
What are the implementation costs for the technology	
<ul style="list-style-type: none"> • Capital costs 	Research did not identify information to address this issue
<ul style="list-style-type: none"> • Operational costs 	
<ul style="list-style-type: none"> • Training costs 	

Doc reference 22/28810
Your reference

Mr Dion Lester
Chief Executive Officer
Local Government Association of Tasmania

Sent by email: dion.lester@lgat.tas.gov.au

Dear Mr Lester

Consultation on facial recognition and player card gaming technologies to minimise gambling harm

The Minister for Finance has directed the Tasmanian Liquor and Gaming Commission to investigate the extent to which facial recognition technology and player card gaming for electronic gaming machines in hotels, clubs and casinos could minimise gambling harm in Tasmania.

Facial recognition technology may be used for the purpose of alerting the presence of a person entering a venue or gaming area who is potentially registered as an excluded person on the Tasmanian Gaming Exclusion Scheme database. Player card gaming refers to physical cards or digital emulation of a card (eg a digital wallet), with the functionality of or similar to an account, that at a minimum can identify the player, provide cashless gaming and the ability for players to set spend and time limits.

The investigation being undertaken by the Commission is robust. An environmental scan of the technologies operating in Australia and internationally has been undertaken. A copy of this report is attached for your reference. Work on the feasibility of the technologies in a Tasmanian gaming setting is currently occurring.

Given your submission to the future gaming market reform consultation in 2021, the Commission is seeking your views on the above measures. The Commission is specifically seeking input as to the costs and benefits of implementing these specific harm minimisation technologies in Tasmanian casinos, hotels and clubs. You are invited to provide a written response to the following questions:

Questions

- I. What do you see as the benefits, costs and/or issues in implementing facial recognition technology in Tasmanian casinos, hotels and clubs?
 - a. For players?
 - b. For venues?

2. What do you see as the benefits, costs and/or issues in implementing player card gaming technology in Tasmanian casinos, hotels and clubs?
 - a. For players?
 - b. For venues?
3. What pre-commitment feature or combined features would be the most effective in reducing gambling harm?
4. To what extent will the proposed features and processes assist players to minimise the risk of experiencing harm from gambling?
5. Are there any other considerations the Commission should be aware of in implementing either technology?

Responses should be sent to consultation.lagb@treasury.tas.gov.au by no later than **5pm** on **Thursday 5 May 2022**. Responses will be published on the [Consultation page](#) of the Liquor and Gaming website unless marked confidential.

The Commission is also inviting input through public consultation, advertised state-wide and via the Liquor and Gaming website. Responses from all consultation will be considered by the Commission and inform its report to the Minister by 30 June 2022.

Should you require any further information regarding the consultation process, please contact Megan Rennie on (03) 6145 5035 or email Megan.Rennie@treasury.tas.gov.au.

Yours sincerely



Jenny Cranston
Chair
Tasmanian Liquor and Gaming Commission

17 March 2022

Dear Stakeholder

Release of the *Police Offences Amendment (Workplace Protection) Bill 2022*

During the 2021 State Election, the government committed to legislation to amend the *Workplaces (Protection from Protesters) Act 2014* (the 2014 Act). The 2014 Act is administered by the Minister for Primary Industries and Water, and the Department responsible to the Minister in relation to the Act is the Department of Justice.

To progress this commitment, a consultation draft Bill was released last year. Following consideration of submissions received, a new Bill (the *Police Offences Amendment (Workplace Protection) Bill 2022*) has now been released for further public consultation until 15 April 2022.

The Bill is necessary to address a High Court decision that certain provisions of the 2014 Act in respect of their operation on forestry land or business access areas in relation to forestry land are invalid because they impermissibly burden the implied freedom of political communication, contrary to the Commonwealth Constitution.

The Bill repeals the 2014 Act, and clarifies the offences of public nuisance and trespass under the Police Offences Act 1935, including appropriate penalties and aggravated penalties. The object of the amendments are to provide:

- appropriate aggravated penalties where a court is satisfied that a trespass obstructed a business or undertaking, and clarify the elements of the trespass offence;
- appropriate aggravated penalties where a court is satisfied that a trespass caused a serious risk to the safety of the trespasser or another person; and
- appropriate penalties for the existing offence of public annoyance, and clarification that this offence includes unreasonable obstruction of the use of streets.

The Bill takes into account feedback received during consultation on previously proposed amendments to the 2014 Act. The alternative approach of repealing the 2014 Act and amending the *Police Offences Act* is consistent with current offences and safeguards. For example, the offence of trespass only applies to a person who trespasses without a reasonable or lawful excuse.

The amendments make changes to two existing offences to ensure they adequately cover the conduct intended, and increase the maximum penalties for those offences. The increased penalties for trespass only apply where the court is satisfied that the trespass obstructed a business or undertaking, or caused a serious risk.

The amendments are designed so the legal framework is more readily understood, appropriately enforced, and provides the appropriate balance for the rights of persons to freedom of movement, assembly and lawful expression of opinion.

A copy of the draft Bill and a Fact Sheet can be found at: <https://www.justice.tas.gov.au/community-consultation>.

All written submissions on the draft Bill must be received by 5:00pm on **15 April 2022**.

Submissions on the draft bills can be made in one of the following ways:

1. Online via our [Public Consultation website](#)
2. Via email at HaveYourSay@justice.tas.gov.au (using the subject line “Police Offences Amendment Bill”)
3. Or via post to:

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

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

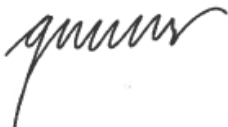
Under this policy, submissions will be made publicly available on the Department of Justice website unless, for instance, the submitting party requests that their submission remain confidential, or it contains material that is defamatory or offensive.

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

Submissions that have not been marked as confidential and which meet publication guidelines will be published following consideration by Government.

Thank you for your consideration of this important issue.

Yours sincerely



Ginna Webster
Secretary

29 March 2022

FACT SHEET

Police Offences Amendment (Workplace Protection) Bill 2022

The Police Offences Amendment (Workplace Protection) Bill 2022 repeals the *Workplaces (Protection from Protesters) Act 2014* (the 2014 Act), and makes amendments to the *Police Offences Act 1935*.

The object of the amendments are to provide:

- appropriate aggravated penalties where a court is satisfied that a trespass obstructed a business or undertaking, and clarify the elements of the trespass offence;
- appropriate aggravated penalties where a court is satisfied that a trespass caused a serious risk to the safety of the trespasser or another person; and
- appropriate penalties for the existing offence of public annoyance, and clarification that this offence includes unreasonable obstruction of the use of streets.

The Bill is necessary to address a High Court decision that certain provisions of the 2014 Act in respect of their operation on forestry land or business access areas in relation to forestry land are invalid because they impermissibly burden the implied freedom of political communication contrary to the Commonwealth Constitution.

The Bill takes into account feedback received during consultation on previously proposed amendments to the 2014 Act. The alternative approach of repealing the 2014 Act and amending the *Police Offences Act* is consistent with current offences and safeguards. For example, the offence of trespass only applies to a person who trespasses without a reasonable or lawful excuse.

The amendments make changes to two existing offences to ensure they adequately cover the conduct intended, and increase the maximum penalties for those offences. The increased penalties for trespass only apply where the court is satisfied that the trespass obstructed a business or undertaking, or caused a serious risk.

The amendments are designed so the legal framework is more readily understood, appropriately enforced, and provides the appropriate balance for the rights of persons to freedom of movement, assembly and lawful expression of opinion.

Section 13, Police Offences Act - Public Annoyance

The Bill amends s 13 of the *Police Offences Act*, which creates the offence of ‘public annoyance’. Section 13(1) lists a number of actions that constitute a public annoyance, including conduct such as ‘commit a nuisance’, ‘disturb the public peace’ and ‘disorderly conduct’. While this can already apply to unreasonable obstruction of streets, this is clarified by an amendment to that effect.

The obstruction to a street must be unreasonable, similarly to the current offence in the *Road Rules 2019*. Offences of obstructing streets do not prevent permitted activities on streets, such as activities for which there is a permit under s 49AB of the *Police Offences Act* for demonstrations, fundraising drives, processions, and cycle events.

The amendment also increases the maximum penalty for the offence from 3 penalty units (currently \$519) to up to 10 penalty units (currently \$1,730). No change has been made to the currently allowable maximum period of imprisonment.

Section 14B, Police Offences Act - Unlawful entry on land (commonly known as trespass)

The Bill clarifies the offence commonly referred to as ‘trespass’, contained in s 14B(1) of the *Police Offences Act*. The current wording of the provision provides the following is an offence:

“A person, without reasonable or lawful excuse (proof of which lies on the person), must not enter into, or remain on, any land, building, structure, premises, aircraft, vehicle or vessel without the consent of the owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.”

To clarify that trespass is intended to cover conduct such as a person who climbs on to, or attaches themselves to, the specified things, the Bill amends s 14B(1) to replace ‘enter into, or remain on’ with the following italicised words:

“A person, without reasonable or lawful excuse (proof of which lies on the person), must not *enter into or onto, move onto, or remain in or on (including, but not limited to, by becoming attached to)* any land, building, structure, premises, aircraft, vehicle or vessel without the consent of the owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.”

Consequential amendments to reflect this change are made to other subsections in s 14B.

The Bill also clarifies when, for the purposes of s 14B of the *Police Offences Act*, the holder of a ‘mineral tenement’ (being a mining lease or relevant mining licence) is taken to be a person in charge of land for the existing offence of trespass. This is done by reference to a person who is on land subject to a mineral tenement, and contravening existing offences under the *Mineral Resources Development Act 1995* which relate to obstruction of mining operations under leases, and authorised activities under relevant mining licences. This clarifies that a person who is committing those existing offences on land subject to a mineral tenement is a trespasser on that land, unless they have consent to be on that land.

Penalties

The penalty for non-aggravated trespass remains the same at a maximum of 25 penalty units and 6 months imprisonment, and 50 penalty units or 12 months imprisonment for trespass in a dwelling.

There is an existing aggravated penalty provision for trespass which applies if the court is satisfied of the specified aggravating circumstances at sentencing. That is, the court can currently impose double the maximum penalty for trespass if satisfied the trespasser was in possession of a firearm while trespassing, or made use of an aircraft, vehicle or vessel during the offence. For example, trespass in a dwelling with a firearm would have a maximum penalty of up to 100 penalty units or 24 months imprisonment.

The Bill provides for further aggravated maximum penalties in the following situations if the court is satisfied of the specified matters:

- the first aggravated situation is where a person is convicted of trespass, and by or while committing the offence, they either obstructed a business or undertaking, or took an action that caused a business or undertaking to be obstructed. In such a case, the person is liable to a maximum penalty of up to 50 penalty units (currently \$8,650) or imprisonment for a term up to 12 months.
- the second aggravated situation where a person is convicted of trespass, and by or while committing the offence, they caused, directly or indirectly, a serious risk to the

safety of themselves or another person (or took an action which caused such a risk). In such a case, the person is liable to a maximum penalty of up to 75 penalty units (currently \$12,975) or up to 18 months imprisonment. The amendment also provides a person is liable to a maximum penalty of up to 125 penalty units (\$21,625) or up to 30 months imprisonment if they have previously been convicted of an offence the paragraph applies to (i.e. a trespass where there is a serious risk to the safety of the person or other people). Both these penalties apply to trespasses relating to serious risk, and do not also require the trespass to have obstructed a business or undertaking.

- The third aggravated situation is where it is a body corporate that commits a trespass, and in doing so, the body corporate obstructs a business or undertaking, or takes an action that obstructs a business or undertaking. The body corporate would be liable to a maximum penalty of up to 600 penalty units (\$103,800).

TASMANIA

**POLICE OFFENCES AMENDMENT
(WORKPLACE PROTECTION) BILL 2022**

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consultation draft

**POLICE OFFENCES AMENDMENT
(WORKPLACE PROTECTION) BILL 2022**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

A BILL FOR

**An Act to amend the *Police Offences Act 1935* and to repeal
the *Workplaces (Protection from Protesters) Act 2014***

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 *Police Offences
Amendment (Workplace Protection) Act 2022*.

2. Commencement

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

3. Principal Act

In this Act, the *Police Offences Act 1935** is
referred to as the Principal Act.

*No. 44 of 1935

4. Section 13 amended (Public annoyance)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(e) “nuisance; or” and substituting “nuisance;”;
- (b) by inserting the following paragraph after paragraph (e) in subsection (1):
 - (ea) unreasonably obstruct the use of any street; or
- (c) by omitting paragraph (a) from subsection (3AA) and substituting the following paragraphs:
 - (a) a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (1); or
 - (ba) a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (3); or

5. Section 14B amended (Unlawful entry on land)

Section 14B of the Principal Act is amended as follows:

-
- (a) by omitting from subsection (1) “enter into, or remain on,” and substituting “enter into or onto, move onto, or remain in or on (including, but not limited to, by becoming attached to)”;
 - (b) by inserting in subsection (2)(a) “into, moving onto” after “entering”;
 - (c) by inserting in subsection (2)(a) “or on” after “remaining in”;
 - (d) by inserting in subsection (2)(b) “or onto, or moving onto” after “into”;
 - (e) by omitting from subsection (2)(b) “on” and substituting “in or on (including, but not limited to, by becoming attached to)”;
 - (f) by inserting the following subsections after subsection (2):
 - (2AA) Despite subsections (2) and (2A), if the court that convicts a natural person of an offence under this section is satisfied that the person, by or while committing the offence –
 - (a) obstructed a business or undertaking; or
 - (b) took an action that caused a business or undertaking to be obstructed –

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the person is liable to a penalty not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(2AB) Despite subsections (2), (2A) and (2AA), if the court that convicts a natural person of an offence under this section is satisfied that the person, by or while committing the offence –

(a) caused, directly or indirectly, a serious risk to the safety of the person or another person; or

(b) took an action that caused, directly or indirectly, a serious risk to the safety of the person or another person –

the person is –

(c) liable to a penalty not exceeding 75 penalty units or imprisonment for a term not exceeding 18 months; or

(d) if the person has been previously convicted of an offence to which this subsection applies, liable to a penalty not exceeding 125 penalty units or

imprisonment for a term
not exceeding 30 months.

(2AC) Despite subsections (2) and (2A),
if the court that convicts a person
that is a body corporate of an
offence under this section is
satisfied that the person, by or
while committing the offence –

(a) obstructed a business or
undertaking; or

(b) took an action that caused
a business or undertaking
to be obstructed –

the person is liable to a penalty of
a fine not exceeding 600 penalty
units.

(g) by omitting from subsection (2A)
“However, if” and substituting “Despite
subsection (2),”;

(h) by inserting in subsection (3) “or on”
after “remaining in”;

(i) by inserting the following subsection
after subsection (6):

(7) For the purposes of this section, a
person who, on land to which a
mineral tenement within the
meaning of the *Mineral
Resources Development Act 1995*
relates, contravenes section 23(3),

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58(3), 67N(3) or 84(2) of that Act, is taken to have been on the land, at the time of the contravention, without the consent of the person in charge of that land, unless the holder of the mineral tenement has consented to the person being on that land at that time.

6. Legislation repealed

The legislation specified in Schedule 1 is repealed.

7. Repeal of Act

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

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SCHEDULE 1 – LEGISLATION REPEALED

Section 6

Workplaces (Protection from Protesters) Act 2014 (No. 25 of
2014)

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