

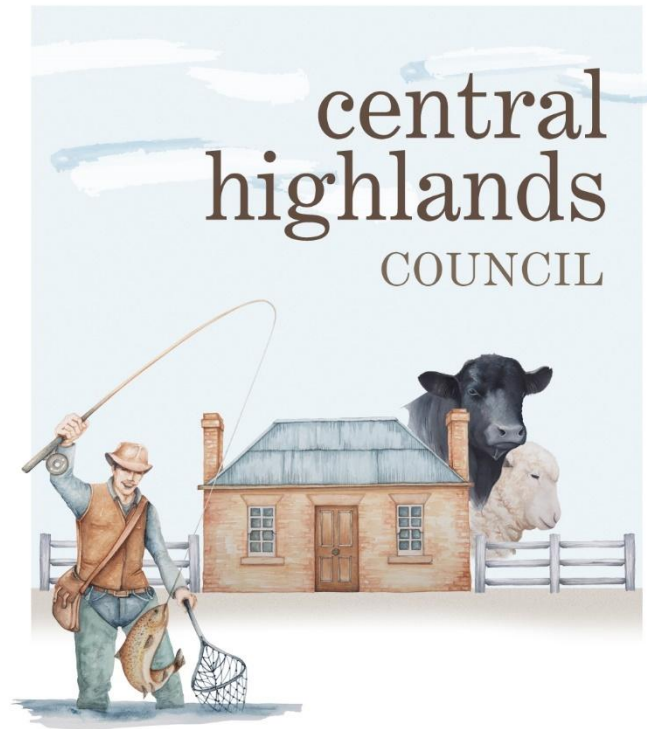
Agenda Attachments

21 April 2026

Ordinary Council Meeting
Bothwell Council Chambers

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Council Meeting Minutes

17th March 2026

Hamilton Council Chambers

Notice of Meeting of Council – Tuesday 17th March 2026

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2025, Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Hamilton** on **Tuesday 17th March 2026**, commencing at **5.00pm** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2025 Part 2, Division 1, a notice of the meeting was published on the Council website on 2 January 2026.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Bothwell this **12th** day of **March 2026**.



Stephen Mackey
General Manager

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The meeting commenced at 5.00 p.m.

AUDIO RECORDING DISCLAIMER

As per *Regulation 43 of the Local Government (Meeting Procedures) Regulations 2025*, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

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 in accordance with Council's Policy 2017-50.

The Mayor also advises that members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

1. PRESENT

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller (attended the meeting at 5.12p.m.); Cr D Meacheam, and Cr S Triffett.

1.1 IN ATTENDANCE

Mr Stephen Mackey (General Manager) and Mrs Katrina Brazendale (Minute Secretary).

1.2 APOLOGIES

Nil

2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

RESOLUTION 01/03.2026/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the Local Government (Meeting Procedures) Regulations 2025.

In accordance with the requirements of Part 2 Regulation 10 (7) of the *Local Government (Meeting Procedures) Regulations 2025*, A council by absolute majority at an ordinary council meeting, or a council committee by simple majority at a council committee meeting, may decide to deal with a matter that is not specifically listed on the agenda if –

- a) the general manager has reported the reason for which it was not possible to include the matter on the agenda; and
- b) the general manager has reported that the matter is urgent; and
- c) in a case where the matter requires the advice of a qualified person, the general manager has certified under [section 65](#) of the Act that the advice has been obtained and taken into account in providing general advice to the council.

Local Government representative Fire Service Commission 2026

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

3. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

PURPOSE

In accordance with the requirements of Part 2 Regulation 10 of the Local Government (Meeting Procedures) Regulations 2025, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

- Item 16.3 Community Grant Request – Bothwell Golf Club Highland Lassies and Highland Golf Championships 2026 - Katrina Brazendale
- Item 3 Closed Agenda - Stephen Mackey
- Supplementary Item Local Government representative Fire Service Commission 2026 - Cr A Archer

Stephen Mackey left the meeting at 5.05 p.m.

4. MINUTES

4.1 CONFIRMATION OF DRAFT SPECIAL COUNCIL MEETING MINUTES – 5 MARCH 2026

RESOLUTION 02/03.2026/C

Moved: Cr R Cassidy

Seconded: Cr D Meacheam

THAT the Draft Minutes of the Special Meeting of Council held on Thursday 5 March 2026 be confirmed.

CARRIED

For the Motion

Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Honner; Cr D Meacheam and Cr S Triffett

Abstained Mayor L Triffitt Cr J Hall

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

4.2 CONFIRMATION OF ORDINARY COUNCIL MEETING MINUTES – 17 FEBRUARY 2026

RESOLUTION 03/03.2026/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 17 February 2026 be confirmed.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

4.3 RECEIVAL OF FINANCE COMMITTEE MEETING MINUTES – 17 FEBRUARY 2026

RESOLUTION 04/03.2026/C

Moved: Cr D Meacheam

Seconded: Cr J Hall

THAT the Draft Minutes of the Finance Committee Meeting of Council held on Tuesday 17 February 2026 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Finance Committee Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

4.4 RECEIVAL OF DRAFT AUDIT PANEL MEETING MINUTES – 16 FEBRUARY 2026

RESOLUTION 05/03.2026/C

Moved: Cr J Hall

Seconded: Deputy Mayor J Allwright

THAT the Draft Minutes of the Audit Panel Meeting of Council held on Monday 16 February 2026 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Audit Panel Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

5. BUSINESS ARISING – FEBRUARY 2026 COUNCIL MEETING

RESOLUTION 06/03.2026/C

Moved: Cr A Archer

Seconded: Cr R Cassidy

THAT the information be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

12.1	<p>NOTICE OF MOTION – Cr R Cassidy</p> <p>THAT Central Highlands Council’s Mayor Lou Triffitt and General Manager Stephen Mackey write to Elspeth Maroni, GM Department of State Roads and the Honourable Kerry Vincent, Minister for Infrastructure and Transport Minister to widen and straighten where possible the Highland Lakes Road, between Melton Mowbray and Bothwell, to allow regular commuters, tourists, the school bus, and other vehicles to safely pass oversized prime movers transporting wind farm components along the Highland Lakes Road.</p> <p>Also, the patched section above Lower Marshes is subsiding, again and a permanent solution is</p>	Letter sent
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	required. All of this work should be undertaken and completed before wind farm construction begins or a workable solution found that will not inconvenience regular commuters, tourists, the school bus, and other vehicles for the next few years, during construction phase	
12.2	<p>NOTICE OF MOTION – Cr R Cassidy</p> <p>THAT the Central Highlands Council’s Mayor Loueen Triffitt and General Manager Stephen Mackey discuss with Council and Council Employees the concerns raised in the Tasmania Integrity Commission “Local Government Gifts and Donations Consultation paper”, dated 2 February 2026.</p> <ul style="list-style-type: none"> a) Review Gifts and Donations Policy; b) Review and complete Gifts and Donations monthly register, individually; c) Council address each of the 13 questions raised and make a submission; and d) Give assurances to the Honourable Minister for Local Government, Director of Local Government and the Integrity Commission that Central Highlands Council is fully compliant, #1 with current legislative requirements and the intentions of the Commission “Local Government Gifts and Donations Consultation paper”, dated 2 February 2026, going forward. 	Progressing
16.3	<p>DONATION REQUEST – GRETNA CRICKET CLUB TROPHY PRESENTATION</p> <p>THAT Council provide a donation of \$300 to the Gretna Cricket Club for their annual awards function</p>	Payment has been made – Completed
21.1	<p>CROWN LAND PURCHASE APPLICATION</p> <p>THAT Council advise the Department of Natural Resources and Environment Tasmania that council has no objection to the application to purchase a section of Crown land reserved road for consolidation to the property at 155 Hamilton</p>	Letter sent

	Spur Plains, CT 236836-1 Council has no objection to the Crown sealing the final plan of survey, pursuant to section 121 of the Local Government (Building and Miscellaneous Provisions) Act 1993	
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Matters still progressing from the December 2025 Council Meeting

12.2	NOTICE OF MOTION – CR A Archer That the Mayor provide council with copies of correspondence forwarded and responses that have been received to date from the Premier to the letters requesting the holding of a cabinet meeting in Bothwell	Progressing
21.11	DRAFT STRATEGIC PLAN 2025-2030	Advertised 17 th December 2025 and closes on 27 th February 2026. Agenda Item 17 th March 2026.

Matters still progressing from the November 2025 Council Meeting

8.3	NOTICE OF MOTION – CR D MEACHEAM THAT Council establish a working group to progress the improvement of phone and internet services on the Central Plateau; THAT the group established has a ‘sunset’ date of March 2026; and THAT via our Facebook page and website, 2 interested community group members be invited to membership	Progressing
17.4	DEVELOPMENT ASSESSMENT PANEL (DAP) CONSULTATION	Progressing

REPORT BY Katrina Brazendale, Executive Assistant

PURPOSE

This report aims to provide an overview of the actions undertaken from the previous minutes.

6. CLOSURE OF THE MEETING TO THE PUBLIC

RESOLUTION 07/03.2026/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT pursuant to Regulation 17 (1) of the Local Government (Meeting Procedures) Regulations 2025, Council, by an absolute majority, close the meeting to the public to consider the following matters in Closed Session:

Item Number	Matter	
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 17 February 2026.</i>	<i>Regulation 17 (2)(H) of the Local Government (Meeting Procedures) Regulations 2025 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr S Triffett

PURPOSE

Under Regulation 17 (1) of the *Local Government (Meeting Procedures) Regulations 2025* 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 17 (1) of the Local Government (Meeting Procedures) Regulations 2025*, this motion requires an absolute majority.

MEETING CLOSED to the public at 5.10 p.m.

Cr Y Miller and Stephen Mackey were in attendance when the meeting reopened.

7. RE-OPEN MEETING TO THE PUBLIC

The meeting re-opened to the public at 6.00 p.m.

8. PUBLIC RELEASE ANNOUNCEMENT(S)

The Chairperson announced that pursuant to Regulation 17(6)(7) of the Local Government (Meeting Procedures) Regulations 2025 and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Item Number	Matter	Decision
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 17 February 2026.</i>	<i>THAT the Minutes of the Closed Session of the Ordinary Meeting of Council held on 17 February 2026 be confirmed</i>

9. NOTIFICATION OF COUNCIL WORKSHOP(S) HELD

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2025, the Agenda is to include details of any Council workshop held since the last meeting.

No workshop has been held since the last Ordinary Meeting.

9.1 FUTURE WORKSHOP(S)

PURPOSE

The purpose of the report is for Councillors to note the Council Workshop date(s).

The proposed next Council Workshop will be held on the following date.

- 31st March 2026 – Budget
 - 5th May 2026 – Budget
 - 2nd June 2026 – Budget
 - 12th May 2026
 - 9th June 2026
-

10. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2025*, the Council conducts questions by member of the public to enable members of the public to ask question on Council related matters.

Questions by member of the public

- (1) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.
- (2) A question asked by a member of the public under regulation 37 or 38 , and the answer given to that question, is not to be debated at the ordinary council meeting.
- (3) A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.

Questions without notice by member of the public

- (1) A member of the public may, on invitation by the chairperson of an ordinary council meeting, ask a question without notice at the meeting.
- (2) A public question without notice must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may require a public question without notice to be –
 - a) put on notice in writing; and
 - b) answered at a later ordinary council meeting.

Questions on notice by member of the public

- (1) A member of the public may, at least 7 days before an ordinary council meeting, give written notice to the general manager of a question to which the member of the public seeks an answer at the meeting.
- (2) A public question on notice must relate to the activities of the council.
- (3) The chairperson of an ordinary council meeting may address a public question on notice.
- (4) The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include –
 - a) the day on which notice is given under that subregulation; or
 - b) the day of the ordinary council meeting.

There were three members in the gallery, Susan Dabbs, Ray Dabbs and Damian Bester. Susan Dabbs raised the following question – When the Bothwell bi-centennial event happened Eddie Freeman made a sculpture to be placed somewhere in Bothwell, where is it, and when is it going to be put on display for all to see.

11. PETITIONS / DEPUTATIONS / PRESENTATIONS

11.1 PETITIONS

Nil

11.2 DEPUTATIONS

Nil

11.3 PRESENTATIONS

Nil

12. NOTICE OF MOTIONS

PURPOSE

Under Regulation 19 of the Local Government (Meeting Procedures) Regulations 2025 relating to Motions on Notice. It states the following:

- (1) *A Councillor may give to the general manager, at least 7 days before a meeting, give written notice of a motion, together with supporting information and reasons, for the inclusion of the motion on the next meeting.*

12.1 NOTICE OF MOTION – CR D MEACHEAM

RESOLUTION 08/03.2026/C

Moved: Cr A Archer

Seconded: Cr Y Miller

THAT Council suspend standing order

CARRIED 6/3

For the Motion

Mayor L Triffitt; Cr A Archer; Cr R Cassidy; Cr J Honner; Cr Y Miller; and Cr S Triffett

Against the Motion

Deputy Mayor J Allwright; Cr D Meacheam and Cr J Hall

Moved: Cr D Meacheam**Seconded:** Cr R Cassidy**THAT** Council:

- a) revert to holding the ordinary session of Council first, followed by the closed session.
- b) leaves in place the ordinary meeting timing prior to the closed session until at least December 2026, when the matter may be reconsidered by the new Council.

Date of Meeting:	March 17, 2026
Councillor Name:	David Meacheam
Proposed Motion:	<ol style="list-style-type: none"> 1. That Council revert to holding the ordinary session of Council first, followed by the closed session. 2. That Council leaves in place the ordinary meeting timing prior to the closed session until at least December 2026, when the matter may be reconsidered by the new Council.
Background Details:	<p>The conduct of the closed session of Council first at each meeting is totally dysfunctional. Since we reverted to conducting the closed session first, those sessions have lasted 92 minutes, 95 minutes, 50 minutes, 10 minutes and 20 minutes. As councillors we then have either a leisurely (half hour plus) or hurried afternoon tea. Meantime, members of the public are left waiting for a 6.00 start to the ordinary session but wondering if they may not be able to attend until 6.30, or later. It's not a good look for the community. We appear to be prioritising our needs above theirs.</p>
Signature:	<i>David Meacheam</i>
Date:	4/3/26

AMENDMENT TO THE MOTION**Moved:** Cr A Archer**Seconded:** Cr J Honner**THAT** Council:

- a) revert to holding the ordinary session of Council first, followed by the closed session.
- b) Daytime meetings during non daylight saving time. (April – October)

RESOLUTION 09/03.2026/C**Moved:** Cr J Honner**Seconded:** Cr J Hall**THAT** Council resume standing orders**CARRIED****For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

AMENDMENT WAS PUT AND CARRIED

Moved: Cr A Archer

Seconded: Cr J Honner

THAT Council:

- a) revert to holding the ordinary session of Council first, followed by the closed session.
- b) Daytime meetings during non daylight saving time. (April – October)

CARRIED 5/4

For the Motion

Mayor L Triffitt; Cr A Archer; Cr R Cassidy; Cr J Honner; and Cr S Triffett

Against the Motion

Deputy Mayor J Allwright; Cr Y Miller, Cr D Meacheam and Cr J Hall

THE AMENDMENT BECAME THE MOTION AND WAS PUT AND CARRIED

Moved: Cr A Archer

Seconded: Cr J Honner

THAT Council:

- a) revert to holding the ordinary session of Council first, followed by the closed session.
- b) Daytime meetings during non-daylight saving time. (April – September)

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

12.2 NOTICE OF MOTION – CR R CASSIDY

MOTION LAPSED DUE TO THE LACK OF A SECONDER

Moved: Cr R Cassidy

Seconded: Cr

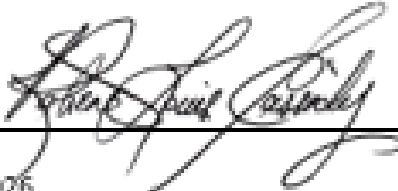
THAT Central Highlands Council’s Mayor Lou Triffitt and General Manager Stephen Mackey communicate to Department of State Roads, GM Elspeth Moroni to:

Specifically address protecting sightlines entering Patrick Street from William Street in the letter to Department of State Roads. Vehicles must not park on corners -and, it should be prevented, however. Vehicles should park in designated parking spaces.

Install a 40 km/h Speed Limit sign on either side of the “shopping precinct”.

The shopping precinct is bounded by the entry to Bothwell Medical Centre (Archer Drive S42.384361, E147.008980) to the East and the Bothwell Post Office to the West (S42.383993, E147.006567).

A pedestrian crossing should be painted from the footpath adjacent to St Michael’s All Angels Church, on the corner of Patrick Street and Market Place, directly across to the corner of Patrick Street and William Street corner

Date of Meeting:	17 March 2026
Councillor Name:	Robert L. Cassidy
Proposed Motion:	<ul style="list-style-type: none"> • That Central Highlands Council's Mayor Lou Triffitt and General Manager Stephen Mackey communicate to Department of State Roads, GM Elspeth Moroni to: <ul style="list-style-type: none"> • Specifically address protecting sightlines entering Patrick Street from William Street in the letter to Department of State Roads. Vehicles must not park on corners -and, it should be prevented, however. Vehicles should park in designated parking spaces. • Install a 40 km/h Speed Limit sign on either side of the "shopping precinct". • The shopping precinct is bounded by the entry to Bothwell Medical Centre (Archer Drive S42.384361, E147.008980) to the East and the Bothwell Post Office to the West (S42.383993, E147.006567). • A pedestrian crossing should be painted from the footpath adjacent to St Michael's All Angels Church, on the corner of Patrick Street and Market Place, directly across to the corner of Patrick Street and William Street corner. • See Google Maps view, page 2
Background	As a Council, we must consider road safety. As Development Application 2025/71 was approved 5 March 2026, for 18 Patrick Street, there will be a concentration of pedestrian traffic and vehicular traffic on the Southeast corner of Patrick Street and William Street intersection.
Signature:	
Date:	5 March 2026



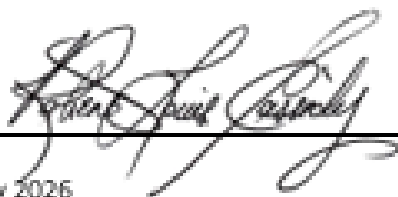
12.3 NOTICE OF MOTION – CR R CASSIDY

MOTION DEALT WITH IN MOTION 12.1

Moved: Cr R Cassidy

Seconded: Cr

THAT the Central Highlands Council revert to holding Council Meetings at 9:00 a.m. for remainder of the term.

Date of Meeting:	17 March 2026
Councillor Name:	Robert Cassidy
Proposed Motion:	That Central Highlands Council revert to holding Council Meetings at 9:00 a.m. for remainder of the term.
Background	<ul style="list-style-type: none"> • Due to earlier sunset and darkness and the length of meetings. • Due to increase cost to ratepayers to hold evening meetings, as proved by Council’s Accountant. • Due to increased risk of Councillors, Council Employees and members of the public colliding with nocturnal wildlife along the roads, driving after dusk and Council’s duty-of-care being compromised for all elected members, employees, and contractors. • Due to conspicuous low participation rate by the general public, though Council meetings are well advertised, which confirms my belief they would prefer to spend quality time with their families and pets, during typical supper hours. Watching the evening news would be many ratepayers habit and would find it more informative about their futures than any Council Meeting.
Signature:	
Date:	5 February 2026

12.4 NOTICE OF MOTION – CR R CASSIDY

RESOLUTION 10/03.2026/C

Moved: Cr R Cassidy

Seconded: Cr J Honner

THAT That Central Highlands Council create a Communications Policy governing both “strategic” and “operational” communications.

LOST 5/4

For the Motion

Mayor L Triffitt; Cr R Cassidy; Cr J Honner; and Cr S Triffett

Against the Motion

Deputy Mayor J Allwright; Cr A Archer, Cr J Hall, Cr Y Miller and Cr D Meacheam

Date of Meeting:	17 March 2026
Councillor Name:	Robert Cassidy
Proposed Motion:	That Central Highlands Council create a Communications Policy governing both “strategic” and “operational” communications.
Background	<p>I acknowledge the Mayor, under Section 27 (1) (e) of the Local Government Act 1993 is to act as spokesperson of the Council.</p> <p>Strategic intention of a Council Communication Policy</p> <p>As a Councillor I advocates for the residents of our municipality as well as the Central Highlands Council’s needs</p>

12.5 NOTICE OF MOTION – CR R CASSIDY

RESOLUTION 11/03.2026/C

Moved: Cr R Cassidy

Seconded: Cr A Archer

THAT Central Highlands Council revert to conducting a separate Council Planning Committee Meeting on the second Tuesday of the month to make recommendations to full Council

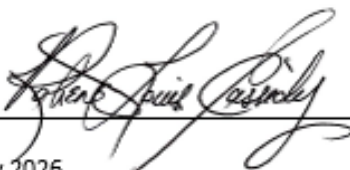
LOST 7/2

For the Motion

Mayor L Triffitt and Cr R Cassidy;

Against the Motion

Deputy Mayor J Allwright; Cr A Archer Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

Date of Meeting:	17 March 2026
Councillor Name:	Robert Cassidy
Proposed Motion:	That Central Highlands Council revert to conducting a separate Council Planning Committee Meeting on the second Tuesday of the month to make recommendations to full Council.
Background	<p>At the 5 March 2026 Special Council Meeting, for DA2025/71 Standing Orders were suspended, after Council Agenda Item 4.1 was moved by Councillor Robert Cassidy and Seconded by Councillor David Meacheam.</p> <p>It is my view that the matters raised during the meeting before the community were either irrelevant to Planning or were already addressed in Council’s Planning Officer Comments or covered under Acceptable Solutions, Performance Criteria, Officer Comments, Commentary on proposal or Conditions.</p> <p>All outstanding questions regarding the Development Application, in Councillors’ minds, could have been addressed, before the Special Council Meeting, and submitted to members of a Planning Committee Meeting, as we had done successfully, since I was first elected in 2014 or in private conversations with the General Manager and Planning Officer.</p> <p>The only thing a Developer or the Community are interested in is our decision for or against and why, according to the various Acts and Planning. Suspending Standing Orders, before the public, to discuss nuances of Planning might not give them confidence we know Planning.</p>
Signature:	
Date:	6 February 2026

12.6 NOTICE OF MOTION – CR D MEACHEAM**RESOLUTION 12/03.2026/C****Moved:** Cr D Meacheam**Seconded:** Cr J Hall

THAT resident Mr Phil Goodwin be added as a member to the Special Committee of Council concerned with improving better Telstra service on the Central Plateau

CARRIED**For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

Date of Meeting:	March 17, 2026
Councillor Name:	David Meacheam
Proposed Motion:	That resident Mr Phil Goodwin be added as a member to the Special Committee of Council concerned with improving better Telstra service on the Central Plateau.
Background Details:	Mr Goodwin has a depth of knowledge in relation to telecommunications. Via Councillor Hall, he has expressed an interest in joining the Telstra-focussed Special Committee of Council
Signature:	<i>David Meacheam</i>
Date:	9/3/26

12.7 NOTICE OF MOTION – CR R CASSIDY**RESOLUTION 13/03.2026/C****Moved:** Cr R Cassidy**Seconded:** Deputy Mayor J Allwright

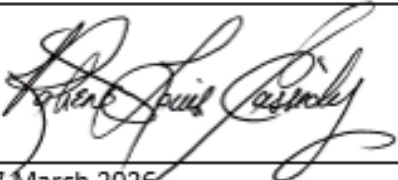
THAT Central Highlands Council increase Councillor Travel Allowance to cover the increased fuel and oil costs

LOST 8/1**For the Motion**

Cr R Cassidy

Against the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

Date of Meeting:	17 March 2026
Councillor Name:	Robert Cassidy
Proposed Motion:	That Central Highlands Council increase Councillor Travel Allowance to cover the increased fuel and oil costs.
Background:	Currently, fuel cost has risen 35 cents per litre and motor oil cost has risen \$2.01 per litre, even if buying in 20 litre bulk quantity, between 27 February 2026 and 7 March 2026.
Signature:	
Date:	7 March 2026

12.8 NOTICE OF MOTION – CR R CASSIDY

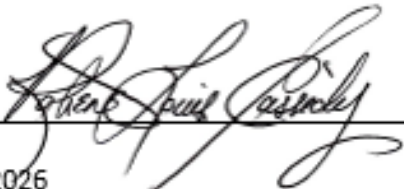
LAPSED DUE TO LACK OF A SECONDER

Moved: Cr R Cassidy

Seconded: Cr

THAT Central Highlands Council's Mayor Lou Triffitt and General Manager Stephen Mackey communicate to Department of State Roads, GM Elspeth Moroni to:

- a) Improve signage on the NW and particularly SE approaches to the Shannon River Bridge (approximately S41.984935 / E146.733279), so there will be no confusion that it is a single lane bridge, regardless how many times Central Highlands Council has advocated that it be widened and that approaching traffic must give way to vehicles established on the bridge.
- b) Many, if not most orange roadside markers along the Highland Lakes Road are severely faded and should be replaced before Winter snow flies.
- c) Recommended Speed signs are faded so badly that it is almost impossible to see them from any distance and there are steep curves without any Recommended Speed signs and should be investigated and installed where appropriate.
- d) The Cattle Grid on the Highland Lakes Road, south of Liawenee Tasmania Police Station, located approximately S41.925649 / E146.684607, is very rough to cross, even at 80 km/h. It needs repair to make level with the road surface.

Date of Meeting:	17 February 2026
Councillor Name:	Robert Cassidy
Proposed Motion:	<p>That Central Highlands Council's Mayor Lou Triffitt and General Manager Stephen Mackey communicate to Department of State Roads, GM Elspeth Moroni to:</p> <p>Improve signage on the NW and particularly SE approaches to the Shannon River Bridge (approximately S41.984935 / E146.733279), so there will be no confusion that it is a single lane bridge, regardless how many times Central Highlands Council has advocated that it be widened and that approaching traffic must give way to vehicles established on the bridge.</p> <p>Many, if not most orange roadside markers along the Highland Lakes Road are severely faded and should be replaced before Winter snow flies.</p> <p>Recommended Speed signs are faded so badly that it is almost impossible to see them from any distance and there are steep curves without any Recommended Speed signs and should be investigated and installed where appropriate.</p> <p>The Cattle Grid on the Highland Lakes Road, south of Liawenee Tasmania Police Station, located approximately S41.925649 / E146.684607, is very rough to cross, even at 80 km/h. It needs repair to make level with the road surface.</p>
Background:	Information gleaned from my attendance at the Shack Owners Association meeting at Miena 8 March 2026, as well as my observations of the poor state of repair/servicing of the Highland Lakes Road (A5) between Bothwell and Pine Lake.
Signature:	
Date:	8 March 2026

12.9 NOTICE OF MOTION – CR D MEACHEAM**RESOLUTION 14/03.2026/C****Moved:** Cr D Meacheam**Seconded:** Deputy Mayor J Allwright

THAT the special committee established to improve Telstra services on the Central Plateau have its remit extended to July 2026

CARRIED**For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

Date of Meeting:	March 17
Councillor Name:	David Meacheam
Proposed Motion:	That the special committee established to improve Telstra services on the Central Plateau have its remit extended to July 2026.
Background Details:	While Telstra did undertake some works in January to improve service, the results haven't been successful as hoped. Using service strength readings, Committee member Michael Walls has given Telstra good empirical evidence of the continuing insufficiency of service around Great Lake. Further prompts to Telstra have been made, we are awaiting their response.
Signature:	<i>David Meacheam</i>
Date:	6/3/26

13. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Nil

14. ORDINARY COUNCIL MEETING RESUMED

NOT REQUIRED

15. MONTHLY MAYORAL AND ELECTED MEMBERS ACTIVITY**RESOLUTION 15/03.2026/C****Moved:** Cr J Honner**Seconded:** Cr Y Miller**THAT** the Council notes the Mayoral and Elected Members Activities.**CARRIED****For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
Council Policy	Councillor Code of Conduct Policy
Legislative Context	Local Government Act 1993 Local Government (General) Regulations 2025 Local Government (Model Code of Conduct) Order 2024
Consultation	The community and stakeholders.
Impact on Budget/Resources	Not applicable.
Risk	Allocations for Councillor Conference attendance are included in the operational budget.

PURPOSE

This report aims to provide an overview of the Mayor and Elected Member's monthly activities.

BACKGROUND

The Mayor and Elected members can provide an activity report each month summarising any civic events they attend.

DISCUSSION

The Mayor and Elected Members represent the council at public and civic events and are the political interface between other bodies, governments, and the Council. In accordance with the Local Government Act 1993, the Mayor is designated as the spokesperson for the Council as well as a representative for the Council on regional organisations and at intergovernmental forums at regional, state, and federal levels. Reports below are provided outside the general functions of a Councillor, whereby Councillors meet with ratepayers and attend workshops.

Mayor Loueen Triffitt

11 February 2026	Minister Vincent catch up
15 February 2026	200yrs of Hamilton Meeting Hamilton
17 February 2026	Ordinary Council Meeting Bothwell
26 February 2026	Church Community Meeting Bothwell
6 March 2026	Tele meeting – Brett Geeves & Anthony Wade
8 March 2026	Shack Owners Meeting Miena

- Business of Council - **11**
- Ratepayer and community members – communications - **21**
- Elected Members - communications - **7**
- Council Management communications - **1**
- Legal Communications - **0**

Deputy Mayor J Allwright

17 February 2026	Ordinary Council Meeting Bothwell
25 February 2026	Tas Water briefing Moonah
26 February 2026	Church Community Meeting Bothwell
5 March 2026	Special Meeting Bothwell
12 March 2026	Tasmanian Population Projections, Technopark Glenorchy

Cr A Archer

17 February 2026	Ordinary Council Meeting Bothwell
5 March 2026	Special Meeting Bothwell

Cr R Cassidy

17 February 2026	Ordinary Council Meeting Bothwell
18 February 2026	LGAT Training / TASCAT Introduction
5 March 2026	Special Meeting Bothwell
8 March 2026	Shack Owners Meeting Miena

Cr J Hall

16 February 2026	Audit Panel Meeting Bothwell
17 February 2026	SES Meeting with GM, Finance Committee & Ordinary Meeting Bothwell
25 February 2026	Bush Watch Meeting Westerway
26 February 2026	Church Community Meeting Bothwell
28 February 2026	Community resilience in Focuses Meeting Ellendale
5 March 2026	Special Meeting Bothwell
8 March 2026	Shack Owners Meeting Miena

Cr J Honner

17 February 2026	Ordinary Council Meeting Bothwell
26 February 2026	Church Community Meeting Bothwell
5 March 2026	Special Meeting Bothwell

Cr D Meacheam

17 February 2026	Finance Committee and Ordinary Council Meeting Bothwell
24 February 2026	(presenting, online to a climate emergency organisation), "Councils and communities benefitting from renewable energy projects".
26 February 2026	Church Community Meeting Bothwell
5 March 2026	Special Meeting Bothwell
8 March 2026	AGM of Friends of Great Lake Organisation Miena
8 March 2026	Shack Owners Meeting Miena
8 March 2026	AGM of Great Lake Community Centre Miena
10 March 2026	Online consultation re Bashan development.

Cr Y Miller

17 February 2026	Ordinary Council Meeting Bothwell
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Cr S Triffitt

17 February 2026	Ordinary Council Meeting Bothwell
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**15.1 MAYORAL GOVERNMENT DEPARTMENTS, GOVERNMENT AGENCIES
AND PARLIAMENTARY MEMBERS LETTERS AND ANNOUNCEMENTS**

RESOLUTION 16/03.2026/C

Moved: Cr J Honner

Seconded: Cr J Hall

THAT the Council notes the information.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner;
Cr Y Miller; Cr D Meacheam and Cr S Triffitt

27th February 2026

The Hon. Bridget Archer MP
Minister for Health, Mental Health, and Wellbeing
GPO Box 123
Hobart TAS 7001
consultation@health.tas.gov.au

Dear Minister

20 Year Preventative Health Strategy

It is pleasing to see that the State government is now preparing a long-term plan for preventive care for Tasmania which addresses all areas from Child and Family learning centres to community sport and recreation programmes.

The strategy has also stated that “Support meets us where we are and when we need it, we feel heard, seen and understood. Everyone has the opportunity to live their best life, no matter where they live, what they earn, or who they are”, however, except in rural Tasmania.

The entire strategy is about shared ownership and shared success every town, every street, every family, every person who calls Tasmania home deserves access to medical support near where they live.

The study has recognised that this can only be achieved with strong teamwork from all levels of government.

Regrettably, in Tasmania there is a clear distinction between the cities and the regional and rural areas of the state. The smaller communities are required to provide funding to be able to obtain services that the cities take for granted. In saying this, Central Highland Council must provide council-built medical facilities for the local doctors as well as providing funding monthly, with our 2,500 ratepayer base.

We are also required to provide a Council residence, in Bothwell, for the use of the doctors and locums, at no cost, and added to this, Central Highlands Council also provide a residence at Ouse for use by the Tasmanian Ambulance Service.

Administration & Works & Services
Tarleton Street Tel: (03) 6286 3202
Hamilton, Tasmania 7140

Development & Environmental Services
Alexander Street Tel: (03) 6259 5503
Bothwell, Tasmania 7030 Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

When the Local doctor from Ouse left several years ago, regarding compliance with COVID vaccinations, council commenced discussions with the State Government and was advised that assistance would be provided for a replacement at the Ouse Medical Centre. Little or no support has been forthcoming, just empty promises. From that point in time, those elderly residents have had to compete to get an appointment with the local doctor, at Bothwell, which could take weeks or attempt to get to an appointment with a medical practice outside the Municipal area.

This may seem simple to some, but when the only option for many was the local bus service, which was a twice weekly service now reduced to once per fortnight, the situation became extremely difficult, even life threatening, especially for the elderly.

Central Highlands Council also administers independent living units in Bothwell and Ouse, which are rented to members of our community who without these units, rented at minimal cost, would struggle. Unfortunately, these are now at the stage of requiring substantial upgrades to remain compliant.

This shows that the Central Highlands Council is doing as the discussion paper suggests our part to help our local community. As it seems we have been diligently supplementing the State government's health services, it would now be pleasing for council to receive the much-needed support from the other tiers of government, who can better afford it.

With this said and now with the Government now developing the 20-year Preventative Health strategy, Central Highlands Council seeks urgent help for our community so they too can feel they are part of a caring and supportive state that looks after communities outside the larger cities.

Please find below a summary of our feedback for the Preventative Health Strategy:

1. Primary care access is not adequately addressed.

The Strategy does not offer solutions for rural GP shortages or service instability, despite Central Highlands losing the Ouse GP and now relying on limited part-time care.

2. Hyper-ageing requires rural-specific planning.

Our region is already hyper-ageing, yet the Strategy lacks concrete measures such as home modifications, supported transport, or climate-suitable housing improvements.

3. Transport assumptions are urban-focused.

With 94% of households relying on cars and public transport now only once per fortnight, active-travel goals are unrealistic without rural-appropriate transport solutions.

4. Climate and housing risks in high-altitude areas are overlooked.

Cold homes, wood-heater smoke, and extreme winter conditions pose major health risks that the Strategy does not specifically address.

5. Digital health depends on rural connectivity.

Telehealth is essential here, but the Strategy sets no rural digital-inclusion targets despite significant variation in connectivity and digital skills.

6. Workforce planning is not tailored for small councils.

The Strategy does not explain how small LGAs with limited staff—like Central Highlands—can realistically resource prevention work.

7. Data gaps prevent fair measurement.

Many indicators are unavailable at the LGA level due to small sample sizes, yet the evaluation framework does not outline how rural LGAs will be assessed.

8. Food security challenges need rural solutions.

Limited retail options and lower incomes affect access to healthy food, but the Strategy lacks rural food access models.

9. Emergency readiness must account for isolated residents.

The Strategy does not address the needs of residents who require medicine delivery, welfare checks, or backup power/internet during snow, frost, or fire events.

Rural Tasmania cannot be an afterthought. The Central Highlands Council respectfully requests that the final Strategy includes explicit funding pathways to ensure equitable preventive health access for all Tasmanians.

Sincerely,



Stephen Mackey,
General Manager



27 February 2026

Mr Luke Gregory-Murphy
 Acting Executive Director of Local Government
 Office of Local government
 Department of Premier and cabinet
 P O Box 123
 Hobart TAS 7001

Dear Luke,

Response to the Local Government Electoral Reform

Council thanks you for the opportunity to comment on the exposure draft changes to the legislation as outlined discussion paper on Local Government Electoral reform.

Most of the proposed amendments are supported by council, the ones not or require further clarification are detailed below:

Reform 5 Require that a person lodging a notice of nomination must have it supported by 30 electors entitled to vote in the relevant election.

Council sees no reason to change the current nomination process. There are 25,816 persons enrolled for the division of Derwent were as Central Highlands had 2,499 enrolled at the last election in 2022. If we consider, the service population for Central Highlands as per the grants commission then the number is 6,239.

Considering the above population details for the Legislative Council the numbers base on the proposal for this council would be as follows.

$$30 / 2499 = 1.22\%$$

$$30 / 6239 = .48\%$$

This would mean that a person nominating for the legislative council would require the following number of electors:

	$25,816 \times 1.22\% = 315$	
	$25816 \times .48\% = 124$	
Administration & Works & Services Tarleton Street Hamilton, Tasmania 7140	Tel: (03) 6286 3202	Development & Environmental Services Alexander Street Bothwell, Tasmania 7030
		Tel: (03) 6259 5503 Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

The percentage of voters required to make a legislative council nomination valid is 0.038% yet for the Central Highlands it will be 1.22% Bringing it into line with the Legislative Council percentage it should be one (1) person to be a valid nomination or change the process for the Legislative council to conform with the proposal for Council elections this would mean 315 for a valid legislative council nomination.

Legislative council are required to have as a minimum 10 electors for a nomination to be valid. This is only for a single candidate not one endorsed by a political party. This is as per the Legislative Council nomination handbook pages 7 & 8.

The term of office for the legislative council is 6 years local government is 4 years. Legislative Councillors remuneration is \$171,000 and Central Highlands councillors' current allowance is \$11,893.

Reform 9 Expressly prohibit dual enrolment, and require a person enrolled on both the House of Assembly roll and the General Manager's Roll to be removed from the latter.

Council seeks clarification as to how this will affect rural properties who currently can nominate a director to vote on behalf of the company as well as voting as an owner occupier on the House of Assembly Role. The provisions in question relate to section 255 Voting by corporations and section 256 Maximum number of votes.

Please also find enclosed council submission on all proposed amendments to the local government electoral reform discussion paper.

Yours sincerely



Stephen Mackey
General Manager



LOCAL GOVERNMENT

ELECTROL REFORM

Reform1 Reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.

Council supports this reform.

Reform 2 Enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.

Council supports this reform.

Reform 3 Legislate that the Tasmanian Electoral Commission is required to approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret, and verifiable manner.

Council supports this reform.

Reform 4 Require the Electoral Commissioner to publish after each election a statement on the implementation of the accessibility principles, after information, including relevant statistics and initiatives undertaken to promote universal participation in the election.

Council supports this reform.

Reform 5 **Require that a person lodging a notice of nomination must have it supported by 30 electors entitled to vote in the relevant election.**

Council sees no reason to change the current nomination process. There are 25,816 persons enrolled for the division of Derwent were as Central Highlands had 2,499 enrolled at the last election in 2022. If we consider the service population for Central Highlands as per the grants commission then the number is 6,239.

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The percentage of voters required to make a legislative council nomination valid is 0.038% yet for the Central Highlands it will be 1.22% Bringing it into line with the Legislative Council percentage it should be one (1) person to be a valid nomination or change the process for the Legislative council to conform with the proposal for Council elections this would mean 315 for a valid legislative council nomination.

Legislative council, they are required to have as a minimum 10 electors for a nomination to be valid. This is only for a single candidate not one endorsed by a political party. This is as per the Legislative Council nomination handbook pages 7 & 8.

The term of office for the legislative council is 6 years local government is 4 years. Legislative Councillors remuneration is \$171,000 and Central Highlands councillors' current allowance is \$11,893.

Reform 6 **Transfer the responsibility for the maintenance of the General Manager's Roll to the Tasmanian Electoral Commission.**

Council supports this reform.

- Reform 7** Amend the definition of “occupier” for enrolment purposes, to refer to actual occupation and use, and clarify that tenants and licensees are occupiers for the purpose of the Act.

Council supports this reform.

- Reform 8** Strengthen verification requirements for application for enrolment on the General Manager’s Roll.

Council supports this reform.

- Reform 9** Expressly prohibit dual enrolment, and require a person enrolled on both the House of Assembly roll and the General Manager’s Roll to be removed from the latter.

Council seeks clarification as to how this will affect rural properties who currently can nominate a director to vote on behalf of the company as well as voting as an owner occupier on the House of Assembly Role. The provisions in question relate to section 255 Voting by corporations and section 256 Maximum number of votes.

- Reform 10** Require new candidates to complete a pre-nomination training course approved by the Director of Local Government.

Council supports this reform.

- Reform 11** Require that the Tasmanian Electoral Commission provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed information) and that the Commission is to publish candidate information through appropriate means.

REFORM WILL NOT PROCEED

- Reform 12** Enable the Director of Local Government to publish council performance statements during the election periods.

REFORM WILL NOT PROCEED

Reform 13 Establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission and printed on the ballot paper.

REFORM WILL NOT PROCEED

Council is of the view that this reform should be proceeded with

Reform 14 Provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.

THE TASMANIAN GOVERNMENT HAS DETERMINED NOT TO PROCEED WITH THIS REFORM

Reform 15 Introduce new legislation on the dissemination of misleading and deceptive statements (corresponding to the Electoral Act Review Final Report and the amended Section 197 of the Electoral Act 2004).

Council supports this reform.

Reform 16 Remove the general restriction on publishing a candidate's name or image without their consent.

Council does not support this reform.

Reform 17 Clarify the definition of electoral advertising.

Council supports this reform.

Reform 18 Provided that only a candidate, intending candidate, or a nominated person may incur electoral expenditure; expenditure by others to promote or procure election will be an offence.

Council supports this reform.

Reform 19 Institute authorisation requirements for electoral advertising and associated material.

Council supports this reform.

Reform 20 Replace advertising expenditure limits with a general expenditure limit, with reference to the Legislative Council expenditure cap in the Electoral Disclosure and Funding Act 2023.

Council supports this reform.

Reform 21 Require that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate featured in joint advertising will be retained.

Council supports this reform.

Reform 22 Prohibit any person from incurring any expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate or intending candidate.

Council supports this reform.

Reform 23 Maintain the \$50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge donation returns with the Tasmanian Electoral Commission.

Council supports this reform.

Reform 24 Provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a candidate or intending candidate for this purpose.

Council supports this reform.

Reform 25 Provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election:

- over \$50, including services or goods valued in kind, without recording the basic details of that donor.

- over \$50 in cash
- over \$50 from a foreign donor.

Council supports this reform.

- Reform 26** Provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.

Council supports this reform.

- Reform 27** Provide the Tasmanian Electoral Commission with powers of investigation.

Council supports this reform.

- Reform 28** Align electoral offences and sanctions with those in the Electoral Act 2004.

Council supports this reform.

- Reform 29** Provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.

Council supports this reform.

- Reform 30** Provide during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions:

- relating to the appointment, reappointment, remuneration or termination of a general manager (except acting appointments)
- committing the council to expenditure greater than 1 per cent of general revenue or \$100,000 (whichever is greater)
- directing council resources to influence voting
- relating to matters that could reasonably be deferred, except for statutory or routine operational decisions.

Council supports this reform.

Reform 31 Provide that during the caretaker period; it is an offence for a council to:

- publish any material promoting any candidate or group of candidates or seeking to influence voters.
- publish material related to the election other than information promoting participation or official electoral process information.
- make council resources available to benefit one candidate over others.

Council supports this reform.

Reform 32 Provide that major policy or financial decisions of a council during the caretaker period are of no effect and provide that person who incur loss or damage due to an ineffectual decision of a council, who act in good faith, are entitled to recover compensation from the council.

Council supports this reform.

Reform 33 Increase the proportion of electors signing a petition to compel a council to hold an elector poll to 20 per cent, while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council. As determined by the council.

Council supports this reform.



Mr Stephen Mackey
General Manager



4th March 2026

Mr Gerry Murrell
Property Officer
Parks and Wildlife Services
GPO Box 44
Hobart TAS 7001

Dear Mr Murrell,

Crown Land Purchase Application

In reference to your letter of the 1st December 2025, regarding a proposed sale of a part of a Crown Reserve Road on Hamilton Plains was subject to a report to council on the 17th January 2026.

The outcome of these deliberations was that council has no objection to the application to purchase a section of Crown land reserved road for consolidation to the property at 155 Hamilton Spurr Plains, CT 236836-1.

Council also has no objection to the Crown sealing the final plan of survey, pursuant to section 121 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

If you require any further information on this matter, please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Mackey', is written over a horizontal line.

Stephen Mackey
General Manager

Administration & Works & Services
Tarleton Street Tel: (03) 6286 3202
Hamilton, Tasmania 7140

Development & Environmental Services
Alexander Street Tel: (03) 6259 5503
Bothwell, Tasmania 7030 Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

5th March 2026

The Hon. Kerry Vincent
Minister for Infrastructure and Transport
GPO Box 123
Hobart TAS 7000

Dear Minister,

Highland Lakes Road Upgrade and Repair

The matter of the upgrading and repair of the Highland Lakes Road has been raised with the department for many years, and the only works that has been undertaken on the section between Melton Mowbray and Bothwell is now failing, yet again.

We now request upgrade and repairs as a matter of urgency, in an endeavour to make the road safer for daily commuters, tourists, school bus operators, cattle trucks, farm machinery and for the transportation of over-sized equipment for the next phase of the renewable energy developments in the Central Highlands.

As you would be no doubt aware, during the construction phase of the next Cellers Hill windfarm project large and over-sized vehicles will travel on the Highland Lakes Road between Melton Mowbray and Bothwell.

This is the same section of road where a truck carrying a large blade for one of the wind turbines overturned and severely delayed access to Bothwell and the lakes areas of the Central Highlands. The Government should have learnt from this and commenced a programme of upgrades that include widening and passing bays.

In New South Wales, the State Government used their initiative and commenced a programme of works with the first stage costing in the order of \$128 million for turning lanes, pavement widening and strengthening and drainage works.

It is now time that the State Government took the initiative to undertake these much-needed works to make travelling on the Highland Lakes Road safer for all.

Regards


Lou Triffitt

Mayor Administration & Works & Services
Tarleton Street Tel: (03) 6286 3202
Hamilton, Tasmania 7140

Development & Environmental Services
Alexander Street Tel: (03) 6259 5503
Bothwell, Tasmania 7030 Fax: (03) 6259 5722

website www.centralhighlands.tas.gov.au

15.2 GENERAL MANAGERS ACTIVITIES FOR FEBRUARY AND MARCH 2026**RESOLUTION 17/03.2026/C****Moved:** Cr J Honner**Seconded:** Cr J Hall**THAT** the Information be received.**CARRIED****For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Stephen Mackey, General Manager

Date	Details
12 February 2026	Southern Tasmanian Organic Waste Group meeting
16 February 2026	Teams Meeting Telstra Service Miena
17 February 2026	Meeting State Emergency Services re Housing Miena Unit
18 February 2026	Meeting TasWater regarding Ellendale Sewer options
18 February 2026	Meeting key staff regarding the Change Roome at Gretna Recreation Ground
25 February 2026	Meeting with staff and representatives from Education Department regarding childcare at Ouse
26 February 2026	Community Meeting regarding St Michael and All Angels Church Bothwell
3 March 2026	Teams Meeting GP Services Ouse
4 March 2026	Financial Fraud teams meeting
5 March 2026	Special Council Meeting
6 March 2026	Southern Tasmanian Council Network Meeting Sorell
8 March 2026	Central Highlands Shack owners Meeting Miena
10 March 2026	Meeting Paul McMahan Bashan and Hollow Tree Wind Farms
	Meeting Damian Mackey and Louisa Brown re Renewable Energy co-ordination framework
12 and 13 March 2026	LGAT General Manager Workshop Hobart

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY WELL-BEING)

Build capacity to enhance community spirit and sense of wellbeing

- 1.1 Continue to upgrade existing public open spaces and sporting facilities and encourage community use
- 1.2 Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
- 1.3 Continue to strengthen partnerships with all tiers of government
- 1.4 Support and encourage social and community events within the Central Highlands
- 1.5 Provide support to community organisations and groups
- 1.6 Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
- 1.7 Foster and support youth activities in the Central Highlands

16.1 HEALTH AND WELLBEING PLAN 2020-2025 – MONTHLY PROGRESS REPORT

RESOLUTION 18/03.2026/C

Moved: Cr Y Miller

Seconded: Cr J Hall

THAT the Health and Wellbeing monthly report for March 2026 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacham and Cr S Triffitt

IMPLICATIONS AND FINANCIALS

Strategic Plan	1.5 Provide support to community organisations and groups
Council Policy	Health & Wellbeing Plan 2020-2025
Legislative Context	<i>Local Government Act 1993</i>
Consultation	As required
Impact on Budget/Resources	As per Council's approved budget
Risk	The council must ensure that it meets its legislative and governance responsibilities in accordance with the Local Government Act 1993.

REPORT BY Kat Cullen, Community Development Officer

BACKGROUND

The following activities were performed during the month prior to the **March 2026** meeting.

COUNCIL PROJECTS AND ACTIVITIES	
External Grants	<p>Tas Active Infrastructure Grants (DPAC): - \$500,000 for Gretna Cricket Ground changerooms.</p> <ul style="list-style-type: none"> • Deed has been signed and funds received. • Planning application has been approved. • Tender process being finalised and will be advertised in coming weeks.
	<p>Collaboration with HATCH for “Ouse Park Party” - children’s and family’s event in April holidays. Grant submission to Communities for Children successful.</p>
TICT award submission	<p>Coordination of Bothwell’s entry into Tourism Industry Council Tourism’s Tiny Tourism Towns awards for 2026.</p> <p>Submission involves video, travel itinerary, travelogue, detailed tourism profile for Bothwell, and engagement with local operators. Submission due 26 March</p>
GP access at Central Highlands Community Health Centre Ouse.	<p>Engagement with Director of GP Practice to develop business case, and to look at where critical support and action is needed, for them to offer locum service at CHCH.</p> <p>Engagement with Primary Care Tasmania’s Practice Improvement team to look at how PHT can support services at CHCH.</p>
Childcare Project	<p><u>Family Day Care Ouse</u> Engagement with DECYP to find alternative location, and funding arrangement, for Happy HOUse Daycare, given insecure long-term tenure at Ouse Schools. Discussions have been had with private property owner in Ouse who is interested in considering long-term lease for family Daycare, pending details of arrangement.</p> <p><u>Thrive Group Childcare training</u> – eight local people are signed up for free childcare qualification training which began January 2026.</p> <p><u>Thrive Group Grant Submission</u> Thrive Group have submitted a grant application to Federal Government’s Building Early Education Fund. Proposal is to establish an interim childcare facility in Bothwell prior to launch of new Center being built at Bothwell School in 2028. Funding would be for a demountable facility, potentially on Council land corner of Patrick and George St.</p>

Community Grants	Coordination of community grants programs and review and update of grants documents.
Recfit Community Benefits Fund	Contributing to MOU and Community Benefits Fund aims and focus areas.
Meeting: St Michaels & All Angels	Preparation and follow-up for community meeting.
ANZAC Day	Preparation for ANZAQC Day 2026
REPRESENTATION MEETINGS and EVENTS	
	<ul style="list-style-type: none"> • Meeting with Tourism Industry Council, local tourism operators regarding tourism award submission for Bothwell • Meeting with GP collective, Primary Health Tasmania re securing a GP at Central Highlands Community Centre Ouse. • Southern Regional LGA Homelessness Working group meeting. • Southern Regional LGA Sports & Rec group meeting. • Meetings with DECYP facilities management group regarding Ouse School and relocation of Family Daycare.
COMMUNITY DEVELOPMENT AND ENGAGEMENT	
School Holidays programs	<p>Support for school holiday programs in 2026 to be run through Action Crew Central Highlands.</p> <p>Commencing with film project with Gretna Junior Fire Brigade who made film in January, followed by craft project in Ellendale. .</p>
Ouse Online Access Centre	Liaison with Acting GM, Libraries Tas and OAC to support secure ongoing functioning of OAC.
Ouse Hall Hire	Liaising with Ouse Table Tennis club and HATCH Exercise classes around long-term lease arrangements, co-use, third-party use, cleaning and improvements at Ouse Hall.
RSA courses	Engaging with SW Jobs Hub for local training.
COMMUNICATION and MEDIA	
Residents guide	Finalisation of community information and layout for printing.
Website	Uploading content new website.
Council social media	<p>Facebook followers: 2.9K</p> <p>February Posts: Profile posts – Census Jobs, St Michaels and All</p>

	Angels meeting, lost dogs, vandalism, community services day at Miena, community programs at Ash Cottage.
Community Standards Facebook	Development of new community standards for Council's Facebook.
Highland Digest	Provision of relevant council and community content.



Happy faces at Wayatinah Social and Sporting Club's fishing competition – junior prizes funded through a Council Community Grant

16.2 DONATION REQUEST – LIONS CLUB OF KINBOROUGH INC CIRCUS QUIRKUS

RESOLUTION 19/02.2026/C

Moved: Cr R Cassidy

Seconded: Deputy Mayor J Allwright

THAT Council approve a request from Lions Club of Kingborough for a donation of \$350 for sponsoring five tickets for children to attend the annual Circus Quirkus festival for local disadvantaged children.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

REPORT BY Kat Cullen, Community Development Officer

[Attachment - Redacted donations request letter.](#)

BACKGROUND

Council has received a request from Lions Club of Kingborough for \$350 for sponsoring children to attend the annual Circus Quirkus festival in April for local disadvantaged children and those with additional needs.

Circus Quirkus is an annual, non-animal circus event that provides a fun, inclusive day out for disadvantaged children and those with additional needs. Held at the Federation Concert Hall in Hobart, it brings joy to thousands of young people supported by more than 50 local charities and community organisations.

Sponsorship covers the attendance cost for children who would otherwise miss out, helping deliver both a memorable experience and essential community support.

Council's Community Development Officer will work with the Lions Club to maximise the promotion of the event to Central Highlands families and local disability services. The aim will be to ensure at least five local children are able to attend.

It is proposed that this expenditure be made against the Community Support and Donations project within the Community and Economic Development Budget, which has around \$9,000 remaining for this financial year.

Katrina Brazendale left the meeting at 7.08 p.m.

16.3 COMMUNITY GRANT REQUEST – BOTHWELL GOLF CLUB HIGHLAND LASSIES AND HIGHLAND GOLF CHAMPIONSHIPS 2026

RESOLUTION 20/03.2026/C

Moved: Cr J Honner

Seconded: Cr R Cassidy

THAT Council allocate \$2,000 financial assistance to the Bothwell Golf Club to support the delivery of the 2026 Highland Lassies event and the 2026 Highland Golf Championships.

CARRIED 5/4

For the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Cr R Cassidy, Cr J Honner and Cr D Meacheam

Against the Motion

Cr A Archer, Cr J Hall, Cr Y Miller and Cr S Triffett

REPORT BY Kat Cullen, Community Development Officer

Attachments - [Grant request letter from Bothwell Golf Club.](#)

BACKGROUND

Council has received a Community Grant application from the Bothwell Golf Club seeking financial assistance to support the delivery of two major annual events: the Highland Lassies, scheduled for 20 March 2026, and the Highland Golf Championships, scheduled for 25 July 2026.

The Highland Lassies and Highland Championships are annual, established events that attract significant participation, with 100 or more golfers travelling from across Tasmania to take part. These events showcase Bothwell's historic golf course and contribute strongly to community activity, regional visitation, and economic benefit.

The Golf Club highlights that these events have flow-on benefits for a range of local businesses, including fuel stations, accommodation providers, food outlets, and other small businesses, due to increased visitation and event-associated spending. The events contribute to community wellbeing, tourism, recreation, and utilisation of local facilities.

The Club has requested financial support from Council to offset event delivery costs and ensure the ongoing success and accessibility of these long-standing community events.

BUDGET IMPLICATIONS

There is currently \$3,530 remaining in the Community Grants allocation for the 2025-26 financial year.

Katrina Brazendale returned to the meeting at 7.09 p.m.

16.4 ANZAC DAY ARRANGEMENTS 2026

RESOLUTION 21/03.2026/C

Moved: Cr D Meacheam

Seconded: Cr Y Miller

THAT Council accept the ANZAC Day 2026 arrangements report and nominate Councillor representative(s) for each of the services.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Kat Cullen, Community Development Officer

[Attachment - Draft ANZAC Day 2026 Poster \(to be finalised\)](#)

BACKGROUND

The annual ANZAC Day commemorations will take place across the municipality on Saturday 25 April 2026. Arrangements have been updated from the 2025 ANZAC Day planning schedule to reflect new information and operational changes for 2026. Key updates for this year include:

- A BBQ catered by the Hamilton Inn will occur after the 11:00am Hamilton service
- Efforts underway to secure buglers for both the Gretna and Bothwell services, pending confirmation.
- There has not been any advice received that a service is occurring at Great Lake Community Centre this year.
- New Australia Flag to be purchased for Hamilton event
- Thorough review of sound systems to take place over coming weeks, and new equipment purchased if necessary.

ANZAC Day 2026 Schedule

Ceremony	Time	Council Support
Arthurs Lake Roadhouse	6:00am	Wreath.
Bronte Park Historic Village	6:00am	Wreath, \$200 contribution to post-event community BBQ.
Fentonbury War Memorial	6:00am	Creation and printing of service book, wreaths, \$200 contribution to post-event catering at Westerway Hall.
Gretna Cenotaph	6:00am	Creation and printing of service book, PA system, wreaths, funding post-event catering at Gretna Hotel. Attempting to secure a bugler for 2026.
Bothwell Memorial Cenotaph	11:00am	Creation and printing of service book, PA system, wreaths, funding post-event catering

		at Castle Hotel. Attempting to secure a bugler for 2026.
Hamilton Memorial Cenotaph	11:00am	Creation and printing of service book, PA system, wreaths, event coordination. Post-event catering provided by Hamilton Inn (BBQ lunch).

DISCUSSION

Councillors are requested to confirm attendance for ceremonies, and if they be involved formally (i.e. laying a Council wreath or involved in order of service).

Please see **draft** schedule based on previous years for discussion:

- *Arthurs Lake – Cr Honner: laying wreath on behalf of Council*
- *Bronte Park –*
- *Fentonbury – Deputy Mayor Allwright: laying wreath on behalf of Council*
- *Gretna - Mayor Triffitt: MC*
 - o *Cr Hall: wreath on behalf of Council*
 - o *Cr Miller: laying Council wreath on behalf of service animals*
- *Bothwell: Mayor Triffitt: MC*
 - o *Cr Honner - wreath on behalf of Council*
 - o *Cr R Cassidy (possibility)*
- *Hamilton: Deputy Mayor Allwright: MC*
 - o *Cr Triffett (in the place of the late Councillor Tony Bailey): wreath on behalf of Council*
 - o *Cr Miller: wreath on behalf of Council*

Staff will continue liaising with local groups regarding service delivery, catering, logistics, floral tributes, and coordination with schools. Confirmation of bugler and schools participation will be advised once secured.

16.5 GRANT OFFER - LIBRARIES TAS REGARDING OUSE ONLINE ACCESS CENTRE

MOTION WAS WITHDRAWN FROM THE AGENDA

Moved: Cr

Seconded: Cr

THAT Council accept a five year grant of \$125,000 from the State Government to fund the Ouse Online Community Access Centre.

REPORT BY Kat Cullen, Community Development Officer

Attachment – [Ouse OAC 2023–24 Auditors report, Quote for digital services provision and Digital Inclusion Review.](#)

BACKGROUND

Libraries Tasmania has offered Council a one-off \$125,000 payment, representing five years of funding (\$25,000 p.a.), for Council to take on ongoing operation of the Ouse Online Community Access Centre (OOAC) beyond the current funding round. This \$25,000 support will be a \$5,000 annual increase on the Centre's current \$20,000 annual grant. Council also currently contributes \$15,800 per annum to the OAC, in addition to property maintenance costs.

Under the proposed model, Council would also assume responsibility for IT provision (PCs and Wi-Fi). Based on the costs provided, it is estimated that the expenditure for the OOAC would be \$63,605 annually, with an estimated \$55,474 in income.

Alternatively, if Council does not accept the five years of funding, Libraries Tasmania will offer the Ouse OAC committee three years of funding (\$25,000 p.a.). It is possible that the Libraries Tasmanian funding will be continued beyond the initial three years.

Community-Managed OACs in Tasmania

Community-managed Online Access Centres are funded by Libraries Tasmania through the Digital Connections Grants Program and are overseen locally by a management committee, a coordinator and volunteers.

Local Context – Ouse Online Access Centre

The OOAC is in a Council-owned building and provides essential digital access and support for residents—particularly older people, those on low incomes, and those without reliable internet or mobile coverage. In June 2025, Council provided a letter of support to Libraries Tasmania confirming the Centre's importance and ongoing commitment to the service and building.

Offer from Libraries Tasmania

In 2025, the State Government commenced a Digital Inclusion Review of the 18 Online Access Centres to consider ongoing funding from the State Government. Following this review, some Tasmanian OACs will cease at the end of 30 June 2026; some will be rolled into other services such as Libraries, and some will continue through a 3-, or 5-year grant.

Central Highlands Council is being offered a one-off payment of \$125,000 (equivalent to five years of funding) to take on the operation of the OOAC beyond the current grant end date of 30 June 2026, and with no further payment beyond this.

Should Council not accept this grant, Libraries Tasmania will offer the Online Access Centre a direct grant of three years, with a possibility, but no commitment, of on-going funding.

Strategic context and future change - from Digital Inclusion Review

- Statewide, OACS are expected to transition out of the standalone model over the next three years, with digital support instead delivered through existing community services like Libraries Tasmania, Service Tasmania and Neighbourhood Houses.

- Digital support will continue locally through trained Digital Champions—staff or volunteers embedded in community hubs and given consistent statewide training in basic digital help and online safety.
- Central Highlands is identified as a Tier 1 high-priority area, with high digital vulnerability and very limited access to in-person support. This high priority indicates that there may be a likelihood of continued support to OOAC, should the centre be funded directly under a three-year funding model.

Scope of Services at OOAC

The OOAC operates as a local technology hub for residents who lack devices, internet access or the digital skills needed to engage with essential online services.

It provides public computers, school holiday programs, homework help, free Wi-Fi, printing, scanning, document support, device troubleshooting, assistance with government and non-government portals, digital literacy help and a supportive environment for vulnerable users.

The centre opens 4 days a week, at 6 hours a day. The Centre receives 266 to 525 visits per quarter, reflecting steady community demand. There are currently two coordinators who share a four day a week role. The OOAC functions as an incorporated volunteer group, and volunteers support the centre through in-kind labour.

The Main User Groups:

- **Residents experiencing hardship or digital exclusion**, needing help to complete essential online tasks such as banking, MyGov, Centrelink, Medicare, or superannuation access.
- **Vulnerable community members at risk of scams**, requiring immediate intervention, secure device support and guidance to stay safe online.
- **Children and young people**, school holiday programs, homework assistance.
- **Travellers and visitors** needing urgent access to computers, internet and printing/scanning facilities to manage administrative or financial matters while away.

Proposed Service Arrangement under the five years grant to Council (2026–27 to 2030–31)

1. Grant funding: Accept \$125,000 (one-off) from Libraries Tasmania, equivalent to \$25,000 p.a. for five years—\$5,000 more than the current \$20,000 grant (25% uplift).
2. Council contribution: Continue \$15,800 p.a. support.
3. Council-provided IT
 - NBN service: \$143 per month

- IT hardware (one-off): \$9,828.5 total (4 × PCS ≈ \$6,600; Firewall / router switch \$896.50; Microsoft Office 2021: \$1,188; Labour: \$1,144.)
4. Minimum service levels: The Centre to open at least 24 hours per week, provide free access to public PCs and Wi-Fi, and offer drop-in digital support for residents and visitors. Ongoing regular governance and partnership meetings with the OOAC.

Costs, income & net balance for 5 years running OOAC

	Annual	Over 5 years
Grant Received	\$25,000	\$125,000
Council subsidy	\$15,800	\$79,000
Income OOAC	\$11,579	\$57,895
Interest Income	\$3,095	\$15,475
Total income	\$55,474	\$227, 370
Wages and Salaries	\$40,529	\$202,645
Superannuation	\$6,082	\$30,410
OOAC Operational Costs	\$5,733	\$28,665
Digest Operational Costs	\$5,323	\$26,615
Insurance	\$2,256	\$11,280
Upfront IT	\$1,966	\$9,830
Monthly NBN - \$143	\$1,716	\$8,580
Total expenditure	\$63,605	\$318,025
Deficit	-\$8,131	-\$40,655

**Any operating deficit is currently borne by the OOAC, not Council*

Risks and Opportunities

Council faces risks from:

- It is likely (though not guaranteed), that if the OOAC was funded directly for three years that the funding would continue beyond that. Conversely, if Council took up the 5-year offer, then it would be the responsibility of Council and the OOAC to fund entirely beyond this, with no further grant funding available from Libraries Tasmania.
- volatile operating costs,
- reliance on limited staff and volunteers
- extra annual cost
- fluctuating service demand driven by benefits cycles, tourism and connectivity issues.

Conversely, the five-year grant ensures:

- an important service remains for locals and visitors which may likely increase in relevance as more services become purely on-line
- provides stable funding and a \$5,000 annual increase in annual operational costs
- supports an opportunity for a service review
- strengthens service reliability through Council-managed IT
- offers opportunity to align with community development and digital inclusion initiatives.

DISCUSSION

That Council determine whether to accept the \$125,000 grant and enter into a five-year service arrangement. The alternative option would be that Libraries Tasmania offers the OOAC a grant directly for three years.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE AND FACILITIES

Manage Council’s physical assets in an efficient and effective manner	
2.1	Develop and implement a 10 year Asset Management Plan for all classes of assets
2.2	Continue to lobby at regional and state levels to improve transport and infrastructure
2.3	Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
2.4	Ensure that the standard of existing assets and services are maintained in a cost effective manner

17.1 WORKS & SERVICES MONTHLY REPORT – FEBRUARY 2026

RESOLUTION 22/03.2026/C

Moved: Cr J Honner

Seconded: Cr R Cassidy

THAT the Works & Services monthly report for February 2026 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Jason Branch, - Works & Services Manager

BACKGROUND

The following activities were performed during **February 2026** by Works & Services –

Grading & Sheeting	
Maintenance Grading	
Potholing / shouldering	14 Mile Road
Spraying:	
Culverts / Drainage:	Victoria Vally new culvert Cider Gum Drive Thiessen Crescent
Occupational Health and safety	Monthly Toolbox Meetings Day to day JSA and daily prestart check lists completed. Monthly workplace inspections completed. Playground inspections Traffic management diary

Bridges:	
Refuse / recycling sites:	Cover Hamilton Tip twice weekly Push up green waste Bothwell
Other:	Replace damaged road signs Strickland Road Trim all trees Ouse bus shelter New camera pole base Hamilton Trim tree over Dunrobin Bridge Removed dead tree Hamilton rose garden Replace sign Berry Drive Replace bins Bothwell Preparation for Hamilton recreation ground for show
Slashing:	Victoria Valley Road Woodwards Road Church road Osterley Norly Road Lanes Tier Road
Municipal Town Maintenance:	Collection of town rubbish twice weekly Maintenance of parks, cemetery, recreation ground and Caravan Par Cleaning of public toilets, gutters, drains and footpaths. Collection of rubbish twice weekly Cleaning of toilets and public facilities General maintenance Mowing of towns and parks Town Drainage
Buildings:	Install ridge capping Wayatinah BBQ area
Plant:	Service PM843 Toyota Service PM705 Mack Truck Brake repairs PM720 dog trailer New front brakes pm815 Triton Hose repairs PM753 Bomag land Fill Compactor New rear tyres New Holland Tractor Two new batteries Cat Loader pm666
Private Works:	Gravell Andrew Dally Laurance Jones premix
Casuals	Toilets, rubbish and Hobart Hamilton general duties Mowing and brush cutting Gardening
Program for next 4 weeks	Ellendale footpath capital works Drainage Berry drive Capital works Continue with Thousand Acre Lane capital works Potholing municipal roads Install 2 bush shelters Hamilton

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – FINANCIAL SUSTAINABILITY)

Manage Council's finances and assets to ensure long term viability and sustainability of Council

- 3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
- 3.2 Review annually, Councils Long Term Financial Management Plan and Council's Long Term Asset Management Plan
- 3.3 Where efficiency gains can be identified, resource share services with other local government councils
- 3.4 Endeavour to, and continue to lobby for, an increase in the level of grant income
- 3.5 Encourage development to expand Council's rate base
- 3.6 Identify revenue streams that could complement/substitute for existing resources
- 3.7 Develop and maintain sound risk management processes

18.1 MONTHLY FINANCE REPORT TO 31 JANUARY 2026

RESOLUTION 23/03.2026/C

Moved: Cr Y Miller

Seconded: Cr R Cassidy

THAT the Monthly Finance Report to 28 February 2026 be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

IMPLICATIONS AND FINANCIALS

Strategic Plan	3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
Council Policy	Not applicable
Legislative Context	The council's decision-making is under the provisions of the Local Government Act 1993, and the report details the basis for the recommendation
Consultation	The financial statements form part of the public record within the Council minutes
Impact on Budget/Resources	As attached
Risk	The council must ensure that it meets its financial obligations. This report captures the ongoing financial performance

REPORT BY Zeeshan Tauqeer, Accountant

BACKGROUND

Financial Expenditure Analysis Report - For the Period Ended 28 February 2026

Financial Summary Report

Until February 2026

Bank Balance Summary

Between January 2024 and February 2026, Council's total bank balance decreased from \$7,178,036 to \$5,206,243, representing a reduction of \$1,971,793.

As at February 2026, the Council's bank balance of \$5,206,243 comprises the following components:

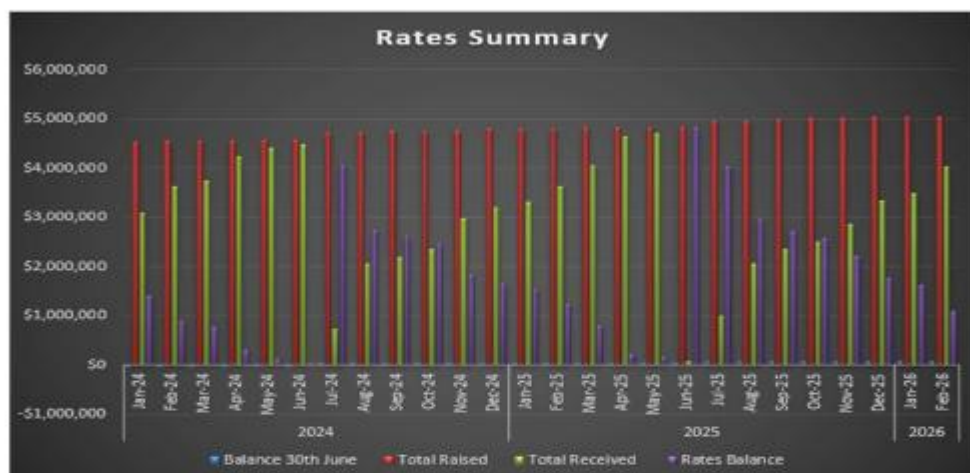
- Council Reserves: \$3,680,337
- Tascorp (St Michael and All Angels' Church, Bothwell): \$90,134
- Financial Assistance Grants, Rates and Fees: \$1,425,193
- Community Grants: \$10,579



Rates Summary

Council raised \$5,039,435 in rates for the financial period, which includes applicable penalties.

As at February 2026, Council has collected \$4,018,906 in rate payments. The remaining balance of \$1,087,563 is expected to be received by 31 April 2026, as part of the final and fourth instalment of rates.



Community and Economic Development

As at February 2026, Council has utilised 25% of the Community and Economic Development budget, equating to \$36,721 out of a total budget of \$141,600.

The largest expenditure within this category relates to Highlands Digest Support, totalling \$14,364.

The Derwent Catchment Grant (second payment) for the Clyde River Project, valued at \$540,677, had not been received as at February 2026.

Similarly, the Gretna War Memorial Oval Grant of \$500,000 had not yet been received.

Council Expenditure

Overall Council expenditure utilisation ranges between 23% and 62% across different departments.

Total operating expenditure as at February 2026 is \$4,798,478, representing 56% of the total operating budget of \$8,548,508.

Key observations include:

- Works and Services recorded the highest expenditure at 67% of its allocated budget.
- Cemetery expenditure increased due to the purchase of materials.
- Development and Environment has utilised 36% of its total budget.

- **Swimming Pool expenditure** increased due to maintenance and staffing costs. This expenditure is expected to reduce in the coming weeks as the winter season approaches.
- **Corporate and Financial Services** expenditure is currently progressing in line with budget expectations.

Capital Expenditure

As at February 2026, Council has utilised 23% of the capital budget, with total capital expenditure of \$825,640.

Major capital works include:

- **Hollow Tree Road** – Completed
- **Thousand Acre Lane** – In progress
- **Ellendale Footpath** – In progress
- **Waddamana Road** – In progress
- **Tor Hill Road** – In progress

The majority of capital expenditure relates to road projects, with \$646,489 spent on roads as at February 2026. This figure is expected to increase in the coming months as projects progress.

Income Statement Summary

Council's recurrent income totals \$9,175,346, while expenditure totals \$6,518,104, including depreciation.

Council capital grants totalling \$1,560,192, which include funding related to the **Gretna War Memorial Oval Grant**. The payment for this grant had not yet been received as at February 2026 and is expected in the coming weeks.

Council also received:

- \$371,580 representing outstanding LRCI grant balances from previous financial years.
- \$633,868 under the **Road to Recovery Program** for 2025-2026 Financial Year.

The remaining Road to Recovery funding of \$305,739 is expected to be received before June 2026.

Rates Reconciliation as at 28 Feb 2026

	<u>2024</u>	<u>2025</u>
Rates in Debit 30th June	\$196,877.36	\$217,826.72
Rates in Credit 30th June	\$145,341.00	-\$150,792.81
Balance 30th June	\$51,536.36	\$67,033.91
Rates Raised	\$4,729,920.23	\$4,971,230.43
Penalties Raised	\$36,021.97	\$33,837.66
Supplementaries/Debit Adjustments	\$25,577.02	\$34,367.14
Total Raised	\$4,791,519.22	\$5,039,435.23
Less:		
Receipts to Date	\$3,460,748.41	\$3,836,677.59
Credit Journals	\$19,188.78	\$18,463.40
Pensioner Rate Remissions	\$129,513.82	\$135,893.36
Remissions/Supplementary Credits	\$10,566.41	\$27,872.01
		\$4,018,906.36
Balance	\$1,223,038.16	\$1,087,562.78

Bank Reconciliation as at 28 Feb 2026

	2024	2025
Balance Brought Forward	\$5,505,002.40	\$5,030,156.23
Receipts for month	\$1,503,201.51	\$1,140,293.55
Expenditure for month	\$1,846,085.26	\$964,205.99
	<hr/>	<hr/>
Balance	\$5,162,118.65	\$5,206,243.79
	<hr/> <hr/>	<hr/> <hr/>
Represented By:		
Balance Commonwealth Bank	\$1,269,324.28	\$1,131,086.73
Balance Westpac Bank	\$245,496.01	\$306,136.20
CBA Credit Card	-\$1,361.39	-\$1,450.17
Investments(Council Reserves + St Michael's Church)	\$3,648,659.75	\$3,770,471.03
Petty Cash & Floats	\$0.00	
	<hr/>	<hr/>
	\$5,162,118.65	\$5,206,243.79
Plus Unbanked Money		
	<hr/>	<hr/>
	\$5,162,118.65	\$5,206,243.79
Less Unpresented Cheques	\$0.00	
Unreceipted amounts on bank statements	\$0.00	
	<hr/>	<hr/>
	\$5,162,118.65	\$5,206,243.79
	<hr/> <hr/>	<hr/> <hr/>

BANK ACCOUNT BALANCES AS AT 28 Feb 2026

No.	Bank Accounts	Investment Period	Current Interest		BALANCE		
			Rate %	Due Date	2025		
11100 Cash at Bank and on Hand							
11105	Bank 01 - Commonwealth - General Trading Account				\$	1,131,086.73	
11106	Bank 02 - Westpac - Direct Deposit Account				\$	306,136.20	
1118	CBA Credit Card				-\$	1,450.17	
11199	TOTAL CASH AT BANK AND ON HAND				\$	1,435,772.76	
11200 Investments							
11207	Bank 6		0	0.00	\$	-	
11207	Bank 5		60	4.09	3/03/2026 \$	503,490.75	
11115	Bank 04		59	4.21%	2/04/2026 \$	510,060.26	
11110	Tascorp(St Michael and All Angels' Church, Bothwell)	At CALL (29/07/2025)		3.85%	\$	90,133.50	
11115	Bank 16		90	4.28%	28/04/2026 \$	2,666,786.52	
11299	TOTAL INVESTMENTS				\$	3,770,471.03	
TOTAL BANK ACCOUNTS AND CASH ON HAND						\$	5,206,243.79

	Council Reserve				\$	3,680,337.53
	Tascorp (St Michael and All Angels' Church, Bothwell)				\$	90,133.50
	FAG& RATES&FEES				\$	1,425,193.33
	Community Grants				\$	10,579.43
					\$	5,206,243.79

Comprehensive Income Statement

28/02/2026

	Budget 2024-2025	Actual to date prior year	Actual to Date	Budget 2025-2026
Recurrent Income				
Rates Charges	\$4,682,233	\$4,717,569	\$4,943,026	\$4,940,273
User Fees	\$494,250	\$201,959	\$242,086	\$501,651
Grants - Operating	\$3,236,515	\$437,256	\$1,822,174	\$4,428,454
Other Revenue	\$704,366	\$413,729	\$421,555	\$776,217
Grants received in Advance	\$0	\$2,918,101	\$1,746,506	
Total Revenues	\$9,117,364	\$8,688,614	\$9,175,346	\$10,646,595
Expenditure				
Employee Benefits	\$2,584,261	\$1,857,125	\$1,862,650	\$2,941,952
Materials and Services	\$2,447,768	\$1,823,192	\$1,767,788	\$3,490,109
Other Expenses	\$1,892,738	\$1,295,645	\$1,097,605	\$2,116,449
Depreciation and Amortisation	\$2,327,800	\$1,473,349	\$1,790,061	\$2,397,634
Total Expenditure	\$9,252,567	6,449,311	6,518,104	10,946,144
Operating Surplus(Deficit)	(135,203)	2,239,303	2,657,242	(299,549)
Capital Grants & Other	\$2,424,996	\$1,101,244	\$1,560,192	\$1,415,067
Surplus(Deficit)	2,289,793	3,340,547	4,217,434	1,115,518
Capital Expenditure	\$5,122,085	\$1,806,629	\$825,640	\$3,561,414

	BUDGET 2025/26	ACTUAL TO 28-Feb-25	ACTUAL TO 28-Feb-26	% OF BUDGET SPENT	BALANCE OF BUDGET
CORPORATE AND FINANCIAL SERVICES					
ADMIN HAMILTON	\$2,017,673	\$1,374,582	\$1,294,793	64.17%	\$722,880
ELECTED MEMBERS EXPENDITURE(AMEH)	\$281,916	\$188,472	\$193,986	68.81%	\$87,930
MEDICAL CENTRES(MED)	\$132,191	\$70,752	\$64,066	48.47%	\$68,125
STREET LIGHTING(STLIGHT)	\$43,994	\$22,388	\$20,008	45.48%	\$23,986
ONCOSTS	(\$470,879)	(\$543,926)	(\$282,619)	60.02%	(\$188,260)
COMMUNITY & ECONOMIC DEVELOPMENT & RELATIONS(CDR+EDEV)	\$672,822	\$429,738	\$394,199	58.59%	\$278,623
TOTAL CORPORATE & FINANCIAL SERVICES	\$2,677,717	\$1,542,006	\$1,684,432	62.91%	\$993,285
DEVELOPMENT AND ENVIRONMENTAL SERVICES					
ADMIN BOTHWELL	\$327,017	\$242,214	\$220,074	67.30%	\$106,943
ENVIRON HEALTH SERVICES (EHS)	\$38,628	\$20,896	\$19,140	49.55%	\$19,488
ANIMAL CONTROL(AC)	\$18,421	\$10,535	\$8,847	48.03%	\$9,574
PLUMBING/BUILDING CONTROL (BPC)	\$188,191	\$110,990	\$31,289	16.63%	\$156,902
SWIMMING POOLS (POOL)	\$32,572	\$35,927	\$36,731	112.77%	(\$4,159)
DEVELOPMENT CONTROL (DEV)	\$247,000	\$176,314	\$104,572	42.34%	\$142,428
WASTE SERVICES	\$968,939	\$682,040	\$621,466	64.14%	\$347,473
ENVIRONMENT PROTECTION (EP)	\$1,024,442	\$2,349	\$1,751	0.17%	\$1,022,691
TOTAL DEVELOPMENT & ENVIRONMENTAL SERVICES	\$2,845,210	\$1,281,265	\$1,043,871	36.69%	\$1,801,339
WORKS AND SERVICES					
PUBLIC CONVENIENCES (PC)	\$290,284	\$117,955	\$152,273	52.46%	\$138,011
CEMETERY (CEM)	\$17,161	\$11,264	\$19,043	110.96%	(\$1,882)
HALLS (HALL)	\$74,349	\$85,061	\$35,521	47.78%	\$38,828
PARKS AND GARDENS(PG)	\$100,524	\$105,216	\$80,205	79.79%	\$20,319
REC. & RESERVES(Rec-Reserve)	\$130,679	\$74,457	\$70,469	53.93%	\$60,210
TOWN MOWING/TREES/STREETSCAPES(MOW)	\$236,008	\$152,009	\$178,318	75.56%	\$57,690
HOUSING (HOU)	\$160,753	\$98,973	\$60,712	37.77%	\$100,041
CAMPING GROUNDS (CPARK)	\$14,801	\$10,480	\$11,359	76.74%	\$3,442
LIBRARY (LIB)	\$2,640	\$1,687	\$0	0.00%	\$2,640
ROAD MAINTENANCE (ROAD)	\$1,086,345	\$789,420	\$719,777	66.26%	\$366,568
FOOTPATHS/KERBS/GUTTERS (FKG)	\$23,316	\$15,951	\$5,796	24.86%	\$17,520
BRIDGE MAINTENANCE (BRI)	\$23,388	\$5,853	\$10,518	44.97%	\$12,870
PRIVATE WORKS (PW)	\$51,372	\$14,174	\$21,508	41.87%	\$29,864
2TD-Traffic Data	\$25,000	\$0	\$8,537	34.15%	\$16,464
SUPER. & I/D OVERHEADS (SUPER)	\$844,041	\$762,007	\$478,074	56.64%	\$365,967
QUARRY/GRAVEL (QUARRY)	(\$181,988)	(\$12,432)	(\$56,267)	30.92%	(\$125,721)
NATURAL RESOURCE MANAGEMENT(NRM)	\$179,936	\$84,485	\$134,892	74.97%	\$45,044
SES (SES)	\$2,000	\$305	\$875	43.73%	\$1,125
PLANT MTCE & OPERATING COSTS (PLANT)	\$655,036	\$390,678	\$406,426	62.05%	\$248,610
PLANT INCOME	(\$795,036)	(\$702,786)	(\$326,999)	41.13%	(\$468,037)
DRAINAGE (DRAIN)	\$43,130	\$39,644	\$15,940	36.96%	\$27,190
OTHER COMMUNITY AMENITIES (OCA)	\$41,842	\$23,324	\$18,050	43.14%	\$23,792
WASTE COLLECTION & ASSOC SERVICES (WAS)	\$0	\$4,542	\$8,792		(\$8,792)
FLOOD REPAIRS		\$0	\$0		
TOTAL WORKS & SERVICES	\$3,025,581	\$2,072,267	\$2,053,819	67.88%	\$971,762
DEPARTMENT TOTALS OPERATING EXPENSES					
Corporate Services	\$2,677,717	\$1,542,006	\$1,684,432	62.91%	\$993,285
Dev. & Environmental Services	\$2,845,210	\$1,281,265	\$1,043,871	36.69%	\$1,801,339
Works & Services	\$3,025,581	\$2,072,267	\$2,053,819	67.88%	\$971,762
Total All Operating	\$8,548,508	\$4,895,538	\$4,798,478	56.13%	\$3,766,386

	BUDGET 2025/26	ACTUAL TO 28-Feb-25	ACTUAL TO 28-Feb-26	% OF BUDGET SPENT	BALANCE OF BUDGET
CAPITAL EXPENDITURE					
CORPORATE AND FINANCIAL SERVICES					
Computer Purchases	\$7,648	\$28,584	\$0	0.00%	\$7,648
Equipment	\$6,000	\$0	\$0	0.00%	\$6,000
Miscellaneous	\$2,000	\$0	\$0	0.00%	\$2,000
	\$15,648	\$28,584	\$0	0.00%	\$15,648
DEVELOPMENT & ENVIRONMENTAL SERVICES					
Swimming Pool	\$0	\$1,870	\$0	0.00%	\$0
	\$0	\$1,870	\$0	0.00%	(\$1,870)
WORKS & SERVICES					
Plant Purchases	\$170,000	\$467,215	\$2,317	1.36%	\$167,683
Camping Grounds	\$0	\$0	\$0	0.00%	\$0
Public Conveniences	\$0	\$0	\$0	0.00%	\$0
Bridges	\$55,000	\$18,065	\$75,411	137.11%	(\$20,411)
Road Construction & Reseals	\$2,196,099	\$838,643	\$646,489	29.44%	\$1,549,610
Drainage	\$169,000	\$4,898	\$0	0.00%	\$169,000
Parks & Gardens Capital	\$72,000	\$239	\$0	0.00%	\$72,000
Infrastructure	\$105,000	\$28,235	\$2,880	2.74%	\$102,120
Footpaths, Kerbs & Gutters	\$245,000	\$28,185	\$27,151	11.08%	\$217,849
Rec Grounds	\$402,000	\$188,601	\$2,275	0.57%	\$399,725
Halls	\$0	\$11,755	\$15,971	0.00%	(\$15,971)
Buildings	\$131,667	\$190,339	\$53,146	40.36%	\$78,521
	\$3,545,766	\$1,776,175	\$825,640	23.29%	\$2,720,126
TOTAL CAPITAL WORKS					
Corporate Services	\$15,648	\$28,584	\$0	0.00%	\$15,648
Dev. & Environmental Services	\$0	\$1,870	\$0	0.00%	\$0
Works & Services	\$3,545,766	\$1,776,175	\$825,640	23.29%	\$2,720,126
	\$3,561,414	\$1,806,629	\$825,640	23.18%	\$2,735,774

Community & Economic Development

2025/2026 Budget

	BUDGET 2025/26	Actual to Date 28/02/2026	Remaining Balance
Strategic Project- Whole of Community			
Community & Economic Development Support	\$10,000	\$393	\$9,607
Health & Wellbeing Plan (2020-2025) Implementation	\$5,000		\$5,000
Economic and Tourism Development Strategic Project	\$5,000	\$2,349	\$2,651
Youth and Children Strategic Projects			\$0
New- Family Day Care Seeding Fund Bothwell	\$5,000		\$5,000
New- Ouse Family Day Care Support	\$5,000		\$5,000
Youth Service & Activities	\$5,000	\$1,227	\$3,773
Children's Services and Activities	\$5,000	\$100	\$4,900
Bothwell High School Breakfast Club	\$2,000		\$2,000
Glenora School Breakfast Club	\$1,000		\$1,000
Westerway School Breakfast Club	\$1,000		\$1,000
New-Bothwell Playproup Support	\$1,000		\$1,000
Community & Donation and Financial Assistance			\$0
Community Grants	\$15,000	\$9,663	\$5,337
Community Support & Donations	\$10,000	\$1,662	\$8,338
Church Grants	\$5,000		\$5,000
Further Education Bursaries	\$1,400		\$1,400
School Awards	\$400		\$400
Central Highlands School Support	\$3,000		\$3,000
Community Event			\$0
ANZAC Day	\$12,000		\$12,000
Australia Day	\$4,000	\$1,963	\$2,037
Community Event.eg Volunteer week	\$5,000		\$5,000
Community Partnerships			\$0
Highlands Digest Support	\$15,800	\$14,364	\$1,436
Australasian Golf Museum contribution to power	\$5,000		\$5,000
Visitors Centre Contribution to Power	\$5,000		\$5,000
Healthy Connect Project	\$10,000		\$10,000
Brighton Family Day Care	\$5,000	\$5,000	\$0
Total Community & Economic Development Support & Donations	\$141,600	\$36,721	\$104,879

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – NATURAL ENVIRONMENT)

Encourage responsible management of the natural resources and assets in the Central Highlands.

- 4.1 Continue to fund and support the Derwent Catchment Project
- 4.2 Continue with existing waste minimisation and recycling opportunities
- 4.3 Promote the reduce, reuse, recycle, recover message
- 4.4 Continue the program of weed reduction in the Central Highlands
- 4.5 Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- 4.6 Strive to provide a clean and healthy environment
- 4.7 Support and assist practical programs that address existing environmental problems and improve the environment

19.1 DERWENT CATCHMENT PROJECT

RESOLUTION 24/03.2026/C

Moved: Deputy Mayor J Allwright

Seconded: Cr Y Miller

THAT the Derwent Catchment Project Report be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett



Monthly Report for Central Highlands Council

10 February 2026 – 10 March 2026

General business

The Boyer (Barwick's) depot and office site is progressing, with DCP moving equipment and operational gear onto the site this week. Establishing this base will support the growing on-ground program and provide a central hub for staff, equipment and operational coordination.

We have also advertised for an administrative position, with a preference for someone from the local region. The role will be primarily based at the Boyer office and will provide administrative support to field operations and management systems, including governance, WHS, finance and compliance functions, while assisting with the day-to-day coordination of the field team. As the on-ground team continues to grow and the Nature Repair Pilot project gets underway, additional administrative capacity is required to support staff logistics, maintain operational systems, and ensure governance, reporting and financial processes continue to operate effectively.

Agri-best practice programs

Strategic Actions 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Climate Smart Farming

Our DCP pasture species trials are progressively being assessed across the region with a seasonal update being presented at Thorpe, Bothwell (04 03 26). At this site there are significant differences in ground cover attributable to the sown grasses. The phalaris plots currently have essentially no permanent perennial ground cover, even though there has been a developing phalaris presence across the trial. The plants are resting as root mass, but not as established plant bases, which can have some consequence for potential soil movement. Assessment of the current degree of phalaris presence however must wait for autumn to progress further.

Cocksfoot plots and their survival and demise is more visible. Uplands cocksfoot is proving most resilient on the north facing slope of the trial, and three other cultivars have significantly declined in presence. Now in its fifth year since sowing, differences in survival are becoming

apparent after a period of comparative similarity, at least up to year three. Two cocksfoot cultivars that shone brightest initially, now appear poorest.



Figure 1. The real line in the sand. Survival to the right, death and disappearance to the left. The cultivar sown makes a difference.

Other sites are illustrating similar cultivar themes but differing plant responses to grazing pressure. At Westerway phalaris plots are looking superior to cocksfoot plots. This may be due to differential grub impact and the tolerance of phalaris, and to differing seasonal management of grazing pressure. It seems possible that more intensive grazing pressure associated with lambing paddocks is suppressing phalaris development whilst mid spring rest may promote or recover it.

A multispecies paddock demonstration is being monitored, and a Tasmanian institute of agriculture multi species pasture trial will be viewed as part of a DCP field day. DCP pasture network articles are printed monthly in the New Norfolk and Derwent Valley News.

Restoration and conservation

Strategic Actions: 4.1 Continue to fund and support the Derwent Catchment Project and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Clyde River Flood Resilience Project

Works have continued this month at the northern end of Croakers Alley, focusing on the most severely choked and constrained sections. Richard Sutcliffe has been working in collaboration

with the DCP team, utilising a 20-tonne excavator to remove large willow trees. Works at this northern section are expected to be completed within the month.



Figure 2. Willow removal progress and stump treatment at Croakers Alley.

Large volumes of willow biomass have been removed from the site. Extensive areas of blackberry, which had formed dense thickets exceeding 4 m in height, and hawthorn have also been removed. Some woody weed debris has been piled for burning later in the appropriate season. A number of large hollow logs have been retained on site to provide habitat and fauna shelter as part of the revegetation works.

The site is now being progressively cleaned and prepared for revegetation. Upcoming works include seeding bare ground and planting native sedges, grasses and rushes in autumn, followed by planting native trees and shrubs after winter. Primary willow removal works will also continue between the Croakers Alley footbridge and Andrews Bridge in the coming month.

Aleida and Eve attended the Council meeting in February to present the Project Plan and



provide a progress update.

Figure 3. Croakers Alley willow removal (weir to the left).

Hamilton native plant nursery updates

Work at the Hamilton Native Plant Nursery has continued steadily over the past month, with a focus on seed collection, processing and preparation for the upcoming planting season.

Seed collection has been ongoing across the Central Highlands and Derwent Valley, helping ensure a good mix of locally sourced species for future propagation. Collected seed has been progressively cleaned, dried and prepared for storage to maintain quality and viability.

Within the nursery, several practical improvements have been made to support day-to-day operations. Part of the nursery has been reorganised to improve workflow and plant management, and additional irrigation has been installed to strengthen watering capacity through the warmer months. Irrigation has also been monitored closely to maintain plant health during summer.

A full plant stocktake has been completed to help guide propagation priorities, plant availability and upcoming orders. Planning for the autumn planting season has progressed and planting is now underway, including works associated with the Charles Downe planting program. Preparation of plant orders for winter delivery has also commenced.

The nursery has continued to engage with the community through local events, attending both the Bushy Park Show and planned attendance at the upcoming Hamilton Show. These events provide valuable opportunities to connect with landholders, promote the use of locally grown native plants and highlight the nursery's role in supporting revegetation across the region. Planning is also underway for upcoming April events, including the Honey Bee Festival and the New Norfolk Autumn Festival.

Work has also begun exploring options for integrating point-of-sale and stock management systems, as well as the potential for online sales, to help streamline nursery operations and improve access to nursery plants for the community.



Figure 4. Stocktake and happy seedlings at the DCP Hamilton Native Plant Nursery.

Weed management programs

Strategic Actions 4.4 Continue the program of weed reduction in the Central Highlands, and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Lyell Highway spraying continued throughout the month, with the crew completing the section between Gretna and Hamilton. This work continues to support the broader regional weed management program by maintaining control along a key transport corridor connecting the Central Highlands and surrounding areas.

A significant portion of the month was spent spraying along Florentine Road, where infestations were extremely dense. The team successfully treated the entire length of the road (approximately 80 km) from Maydena to Wayatinah. This was a major achievement and took several weeks to complete, with crews reporting some of the densest Californian thistle infestations they have encountered. As Florentine Road is a major connecting route between the Central Highlands and the Derwent Valley, and links with the Lyell Highway and several council-managed roads that are also treated as part of the program, this work is an important complement to ongoing weed management efforts.



Figure 5. A scenic forested fill-up point on Florentine Road.

Controlling weeds along this corridor will play an important role in preventing the spread of declared weeds into sensitive areas of the Central Highlands. In particular, foxglove populations are present along Florentine Road and are well established near Maydena at the southern end of the road but have not yet become widespread in the Central Highlands. Early intervention along this corridor will help limit further spread. It is also worth noting that approximately one-third of the municipality, including sections of Florentine Road, falls within the Class A eradication zone under the new Foxglove Biosecurity Program.



Figure 6. Dense Californian thistle infestations on Florentine Road, sprayed by the crew.

The team also completed treatment work at Waddamana, targeting infestations within the Ouse River bed and surrounding Sustainable Timber Tasmania (STT) coupes. Surveys were also undertaken on TasNetworks and Hydro Tasmania land around Miena to assess the presence of broom. In addition, spraying was completed along Victoria Valley Road and gorse infestations east of Pelham were treated. Finally, the team visited Tarraleah to develop a treatment plan for the coming this year's cross tenure control.



Figure 7. DCP crew came across this little guy in the Ouse riverbed while treating ragwort...



Figure 8. Californian thistle also treated in Waddamana.

Community engagement

Adopt-a-Shore and Great Lake chemical storage cabinet

The Adopt-a-Shore community working bee was successfully held at Yingina / Great Lake on Sunday 22 February to formally launch the new community weed-control cabinet at the Great Lake Community Centre. The cabinet was funded through the Hydro Tasmania and Cattle Hill Community Grants Program and provides local residents with access to herbicide and equipment to support ongoing weed management in the area.



Figure 9. Community weed control cabinet launch at the Community Centre!

The event saw a turnout of enthusiastic local residents who were keen to learn about local weed issues and how they can use the cabinet. Community members were already accessing herbicide on the day to treat weeds around the community centre, demonstrating immediate uptake of the initiative. Recent surveys conducted by the Derwent Catchment Project across Hydro Tasmania, TasNetworks and Council land around Miena and Great Lake highlighted that the majority of current weed infestations in the area are concentrated on private land. It was therefore particularly encouraging to see the level of interest from the community in using the cabinet to support weed control on their own properties across the broader landscape.

Following the cabinet launch, participants visited a nearby property on Jones Road that was experiencing a significant broom infestation. The site was used as a demonstration area, where Justin from the DCP crew, who has extensive experience managing weeds in the region, provided practical guidance on herbicide selection, application techniques and identification of key weed species. Participants were able to ask questions and observe best-practice treatment methods as several square metres of broom were cut and paste treated.



Figure 10. Participant Sue hauling armfuls of broom to pile.

This was followed by a discussion with Karen from the DCP Hamilton Native Plant Nursery, who spoke about suitable local species for planting and distributed native seedlings for residents to plant on their properties. There was also strong interest in the Miena cider gum restoration work being undertaken by DCP, with many attendees already aware of the project and keen to hear more.

Overall, the day was a great success and highlighted the strong sense of community in the Great Lake area. Local residents expressed enthusiasm not only for managing weeds on their own properties but also for helping neighbours tackle infestations. The new cabinet is expected to play an important role in supporting ongoing weed management efforts around Yingina / Great Lake.

Yours sincerely,

The Derwent Catchment Team

Key Contacts:

Josie Kelman (CEO) 0427 044 700

Eve Lazarus (Deputy CEO) 0429 170 048

Todd Holliday (Works Manager) 0428 192 728

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Ella Weston (Weed program coordinator/NRM facilitator) 0400 953 220

20. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ECONOMIC DEVELOPMENT)

Encourage economic viability within the municipality

- 5.1 Encourage expansion in the business sector and opening of new market opportunities
- 5.2 Support the implementation of the Southern Highlands Irrigation Scheme
- 5.3 Continue with the Highlands Tasmania and Bushfest branding
- 5.4 Encourage the establishment of alternative industries to support job creation and increase permanent residents
- 5.5 Promote our area’s tourism opportunities, destinations and events
- 5.6 Support existing businesses to continue to grow and prosper
- 5.7 Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- 5.8 Work with the community to further develop tourism in the area

20.1 DEVELOPMENT & ENVIRONMENTAL SERVICES

RESOLUTION 25/03.2026/C

Moved: Cr D Meacheam

Seconded: Deputy Mayor J Allwright

THAT the Development & Environmental Services Report be received.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Kathy Bradburn, Senior Administration

PLANNING PERMITS ISSUED UNDER DELEGATION

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

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2025/72	Charlie Ellis Architecture	254 Nant Lane, Bothwell	Bond Store (Change of Use)

2026/02	Central Highlands Council	3457 Lyell Highway, Gretna	New Club Change Rooms & Amenities & Addition to Existing Structure
2025/66	James Downie	Marlborough Road, Miena (CT 243894/1)	Dwelling

ANIMAL CONTROL

Statistics

Total Number of Dogs Registered in 2024/2025 Financial Year – 966

Total Number of Kennel Licences Issued for 2024/2025 Financial Year – 52

2025/2026 Dog Registration Renewal have been issued and were due by 31 July 2025.

Statistics as of 10 March 2026	
Number of Dogs Impounded during last month	0
Number of Dogs Currently Registered	949
Number of Dogs Pending Re-Registration	6
Number of Kennel Licence Renewals Issued	35

20.2 DOG MANAGEMENT POLICY REVIEW

RESOLUTION 26/03.2026/C

Moved: Cr R Cassidy

Seconded: Cr A Archer

THAT Council adopt the Dog Management Policy 2026.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Kathy Bradburn, Senior Administration

Attachments - Dog Management Plan 2026 (with amendments)

BACKGROUND

In accordance with the *Dog Control Act 2000* Council has now completed the public consultation process into the review of the Dog Management Policy. The document was on public display, with advertisements placed in the Mercury Newspaper, New Norfolk News, Highland Digest, posters placed in local businesses throughout the Municipality, advertised on Council's Facebook page and website. The Policy was on public display from the 29th November 2025 with comments closing on 11th February 2026. During this time two submissions were received.

The submissions received have identified several opportunities to make Council's Dog Management Policy clearer, fairer, and more helpful for dog owners, residents, farmers, and visitors.

Overall finding

The policy is fundamentally strong, compliant with the *Dog Control Act 2000*, and effective in its main regulatory areas. However, several opportunities exist to modernise the policy, strengthen fairness and clarity, and better meet community and animal welfare expectations.

Key Improvements Identified

1. Clearer Places for Dogs

- **Consider creating designated off-leash exercise areas** in major towns (so dogs have a safe place to run).
- **Review signage** around towns, parks, reserves and entrances so locals and visitors know the rules.

2. Better Registration & Microchipping Support

- Run annual registration reminders and provide information on microchip/desexing.
- Improve checks to ensure all dogs are registered, making it easier to reunite lost pets with owners.

3. Fairer Handling of Barking & Nuisance Complaints

- Include details on an **informal early step**, courtesy letter, before a formal complaint and fee is required.
- Clarify that complaint fees are **refunded if the issue is substantiated**.

4. Stronger Animal Welfare Commitments

- Make it clear that Council's priority is to **rehoming unclaimed dogs**, with all unclaimed dogs transported to the Dogs Home of Tasmania.
- Ensure all impounded dogs receive appropriate care.

Below is an assessment of the submissions received and the Dog Management Plan 2026 with amendments shown in red has been included in the attachments.

Conclusion

The Dog Management Policy is fundamentally sound and compliant, but updating it as recommended would improve clarity and community understanding, enhance responsible dog ownership and increase fairness and transparency.

Assessment of Submissions

Submission 1

ISSUE	COMMENT
<p>4.1 Responsible Ownership & Education</p>	
<p>Issue: The policy’s Responsible Ownership Code (Section 2) is comprehensive in listing owner obligations, but it focuses mainly on <i>what not to do</i> (or else face penalties). It lacks emphasis on <i>how to do things right</i> and does not explicitly encourage positive actions like dog training, socialisation, or desexing (beyond the indirect fee incentive). In its current form, it’s a set of rules without guidance or motivational elements. This could be a missed opportunity to foster a culture of responsible pet ownership through education and positive reinforcement.</p> <p>Recommended Change: Augment the Responsible Ownership section to include encouraging, educational language and tips. Specifically:</p> <ul style="list-style-type: none"> • Add a preamble or conclusion to the Code of Responsible Ownership that highlights positive practices. For instance: <i>“Council encourages all dog owners to not only abide by the above requirements, but to embrace practices that enhance your dog’s behaviour and wellbeing, such as early socialisation of puppies, attending obedience training classes, regular exercise, and de-sexing (unless part of a registered breeding program). These practices help fulfill your responsibilities and lead to a happier pet and community.”</i> • Within the list of responsibilities, a line could be inserted like: <i>“Ensure your dog receives adequate training and socialisation to become a good citizen pet (seek out puppy school or obedience classes, which also help prevent problem behaviours). Owners are encouraged to utilise humane, reward-based training methods, as recommended by animal welfare experts.”</i> This doesn’t impose a legal requirement (so it doesn’t conflict with the Act), but it sets an expectation and guidance. • Similarly, explicitly mention desexing in the code: even though the fee structure incentivises it, the code could say: <i>“Consider de-sexing your dog at an appropriate age. De-sexed dogs often live healthier lives and are less likely to roam or display certain aggressive behaviours. Council supports de-sexing through discounted registration fees and community education.”</i> This aligns with RSPCA’s advocacy for widespread desexing. <p>These additions turn the code from a purely regulatory list into a mini guide for being a responsible owner in a proactive sense.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>
<p>4.2 Declared Areas / Leash Rules / Signage</p>	
<p>Issue 1: Lack of Off-Leash Exercise Areas, The policy currently does not designate any “dog exercise areas” where dogs can be off-lead for free running and play. It only states that Council may consider written requests from groups to declare such areas, which implies none exist by default. As a result, aside from private property, there is effectively nowhere owners can legally let dogs off-leash within the municipality, given that all towns and many recreation areas are leashed or prohibited. This is</p>	

<p>problematic from both a dog welfare perspective and a practical standpoint.</p> <p>Recommended Change: Establish and declare designated off-leash dog exercise areas. Council should proactively identify one or more suitable locations and formally declare them exercise areas under section 20 of the Act. Potential options: a part of a Council-owned park or sports field during certain hours (when not in use by sports); a section of the foreshore at an inland lake where water birds are not nesting (if any) or a low-conflict area; or even a large fenced enclosure created on council land specifically for dogs. Given the rural context, perhaps there is an unused paddock or common area that could be repurposed. Community consultation can help identify spots that locals feel are appropriate. Once identified, list these in the policy (or as an appendix or schedule) so it's clear. For example: <i>"Declared Exercise Areas: [Location X], dogs may be off-lead at all times (or specified times) provided they remain under effective control."</i> Council may start with one in each major town (e.g. one in Bothwell, one in Hamilton or elsewhere) if feasible. Even a small area is better than none, dogs don't need vast acreage if the space is safe and designated for them.</p> <p>Council might worry about wildlife or livestock with off-leash areas. Thus, choose locations carefully: e.g., a fully fenced dog park would contain dogs and mitigate those concerns. If fencing is not immediately possible, pick areas well away from wildlife-sensitive zones. The policy can specify conditions (like dog must be under effective control and not harass wildlife, etc., though that's already an overarching requirement). For instance, <i>"Bothwell Dog Exercise Area, the old showground, off-leash allowed, dogs must be within sight and under voice command."</i></p>	<p>Council to investigate possible sites for declared designated off-leash dog exercise area and budget for works required taking into account and recommendations from the Town Structure Plans.</p> <p>No change proposed to Dog Management Policy</p>
<p>Issue 2: Insufficient Signage and Public Awareness of Rules. The policy text lists detailed restrictions (down to specific reserve code numbers, etc.), but the average person will not know all these by memory. As of now, there's no mention of how these rules are communicated on the ground. In practice, some areas in Central Highlands have little or no signage about dog rules. For example, a visitor driving into one of our towns might not see a sign that "Dogs must be on leash in this town" (if such signage isn't there). Someone walking near a conservation area might not know it's a dog-prohibited reserve without seeing the boundary signage. If signage is missing or unclear, compliance suffers, people often break rules unknowingly.</p> <p>Recommended Change: Implement a Dog Management Signage and Communication Plan.</p> <p>This would include:</p> <ul style="list-style-type: none"> • Signs at Town Entrances: Similar to how some towns have signs like "Welcome to X, Dog on Leash Area" or specific icons, we could have signage as you enter Bothwell, Hamilton, etc., stating that dogs must be on leash in public and to pick up after them. • Signs at Parks/Reserves: For every declared prohibited or restricted area, ensure at the usual 	<p>Consideration be given to erecting further signage at town entrances.</p> <p>Dog signage is already in place at Council's parks and reserves as well as the residential areas surrounding Great Lake, Arthurs Lake,</p>

<p>entry points there is signage. E.g., at the start of a popular walking trail that enters a conservation area, put “NO DOGS, Nature Reserve” with the universal no-dog symbol. At playgrounds and sports grounds, signpost the 10m and on-leash rules. For any new off-leash areas provided, put signs delineating their boundaries and rules (like “Off-Leash Area: Dog must remain under effective control. Please pick up after your dog.”).</p> <ul style="list-style-type: none"> • Consistency and Quality: Use clear wording and possibly pictograms. Ensure durability (our weather can be harsh). The policy can mention this plan: e.g., “Council will erect and maintain clear signage in all declared areas (prohibited, restricted, and exercise areas) to inform the public of the dog management requirements.” It might also note that “Maps and information on declared areas will be published on Council’s website and available at Council offices” to catch those who plan ahead. A simple brochure or map online showing, say, all towns (shaded as on-leash), key reserves (marked no-dogs), and any off-leash zones would greatly help visitors and locals alike. <p>This doesn’t need to clutter the policy document itself with the details of each sign, but an added commitment in the policy to proper signage will ensure it is treated as a priority, not an afterthought.</p>	<p>Bronte Park, Bronte Lagoon, Bradys Lake, Derwent Bridge. A review to be undertaken to ensure signage is adequate.</p> <p>The Declared Prohibited Areas listed within the Policy are those areas where dogs are prohibited by State Government agencies, including State Reserves, National Parks, Conservation Areas, Historic Sites and Regional Reserves. The responsibilities for declaration of, and enforcement within these areas, lie with the landowner and not within the jurisdiction of Council.</p>
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<p>4.3 Registration, Fees, and Compliance Support</p>	
<p>Issue: While the current fee structure is quite robust and fair, there is room for further measures to maximise registration compliance and to encourage responsible pet ownership behaviours beyond what fees alone can do. Specifically, not all dogs in the municipality may be registered, there are likely some non-compliant owners (national trends suggest a percentage of dogs remain unregistered in many communities). Additionally, some owners might face barriers to desexing or microchipping their pets (cost, access), which if not addressed can undermine the fee incentive approach (e.g., they keep an animal entire and unregistered). The policy doesn’t mention active strategies to identify unregistered dogs or assist owners in meeting requirements aside from fees and penalties for late payment.</p> <p>Recommended Change: Introduce proactive registration compliance and support initiatives. This could include:</p> <ul style="list-style-type: none"> • Periodic Compliance Audits: The policy or accompanying practice could note that Council will periodically check for unregistered dogs. For example, cross-referencing the microchip database with Council’s registration records to find dogs in our area that are chipped but not registered, then sending reminders. Or conducting street-by-street surveys (Rangers observing where dogs are present and verifying registration). Even announcing that these audits happen can prompt people to register to avoid fines. 	<p>Council does not have full access to the national microchip database to be able to undertake cross referencing but every effort is made by Council staff to undertake compliance audits where practical.</p>

<ul style="list-style-type: none"> • Community Education on Registration: Include messaging in Council newsletters, social media, local newspaper around June/July emphasising why registration is important and highlighting the discount period. Maybe an annual “Register your pet” campaign each winter, so it’s in people’s minds. • Microchipping & Desexing Clinics: Work with local vets or the Dogs’ Home to host an annual low-cost microchipping day in the municipality. Possibly tie in a desexing voucher program (some councils partner with vets to offer a certain number of discounted desexings for low-income pet owners). The policy can express support for such programs: <i>“Council will endeavour to facilitate low-cost microchipping opportunities to assist owners in complying with mandatory microchipping and encourage those who have not yet registered to do so.”</i> and <i>“Council supports desexing initiatives and will explore partnerships to make desexing more accessible, thereby supporting the reduced registration fee incentive.”</i> For example, Council could budget a small amount to subsidise a “Desex and Register” drive, owners who desex during the drive get first-year registration free or some similar hook. • Recognise Responsible Owners: Consider implementing a “Responsible Dog Owner” accreditation or reward (optional, but some councils do this). For instance, if someone has kept their dog desexed, microchipped, registered on time for say 5 years with no infringements, they could get an extra discount or a certificate. This is more of a community relations gesture but it signals Council appreciates responsible owners (who are the majority). The policy could mention exploring a recognition program. <p>While these specifics may be operational, including the intent in policy (e.g. “Council will actively promote and enforce dog registration to achieve full compliance, through education campaigns, reminder notices, and periodic audits”) sets the tone that registration is not just passive (waiting for people to file forms) but an active priority.</p>	<p>Noted. Messaging already occurs through Council’s newsletter, social media and local newspapers.</p> <p>Council held numerous microchipping sessions when microchipping was introduced to reduce the cost burden on dog owners. Unfortunately due to the low number of new dogs requiring microchipping further days have not been viable (i.e. minimum number of dogs required to hold a session not met).</p> <p>Noted</p> <p>No changes to Dog Management Policy being proposed.</p>
<p>Issue: Another minor point on the fee structure: the policy doesn’t explicitly mention that assistance dogs (guide dogs, hearing dogs) are free to register, though it lists the category. By convention and possibly by law, these dogs are exempt from fees. Ensuring that is the case (and perhaps extending exemption to PTSD support dogs or similar if recognised) is important to note.</p> <p>Recommended Change: Clarify in the fee schedule that Special Assistance Dogs are fee- exempt (if that is Council’s practice, if not, it’s recommended they should be, as most councils do so to support people with disabilities). This is a very small edit but has symbolic significance to those who rely on such animals.</p>	<p>Section 4 relates to the fee structure and not the specific fees being charged. Although the fee structure is not listed within the Policy as the fees are set by Council as part of the Budget each year it has now been noted within the policy that Guide Dogs, Hearing Dogs & Special Assistance Dogs do not attract a fee.</p>
<p>4.4 Nuisance (Barking), Roaming, Breeding and Kennel Licensing</p>	

<p>Issue 1: Nuisance Barking Complaints Process, The policy mandates formal complaints with a fee for nuisances, which is legally sound, but there is no mechanism for early intervention or mediation before reaching that formal stage. Many barking issues can be resolved by notifying the dog owner or providing them advice, without the neighbour needing to lodge a formal complaint. The strict stance of “only official complaints” might result in situations festering (if a neighbour is hesitant to lodge a complaint, the barking continues) or relationships souring (if they do lodge immediately, it becomes adversarial). Essentially, there’s a step missing in the escalation ladder: an informal complaint or a warning to the owner.</p> <p>Recommended Change: Adopt an informal preliminary step for nuisance complaints. The policy could outline a procedure such as:</p> <ol style="list-style-type: none"> 1. <i>Initial notification:</i> If Council receives a noise nuisance report (even without the official form), an ACO may contact the dog owner (keeping the complainant anonymous) to inform them that a concern has been raised and provide advice on rectifying the issue (e.g., not leaving the dog outside all night, or enrichment tips). This could be done by letter or phone. No fee at this stage, since it’s not an official complaint, just a courtesy intervention. 2. <i>Monitoring:</i> The ACO might also use this opportunity to observe the situation (drive past at times to verify barking, for instance). This builds evidence and avoids sole reliance on neighbour testimony. 3. <i>Escalation to formal complaint:</i> If the barking continues and the neighbour wants to pursue, then proceed with the formal complaint and fee, and all that entails (official notice to comply, potential infringement etc.). <p>In the policy text, this could be described as: <i>“Council encourages complainants, where possible, to first approach the dog’s owner or request Council’s assistance in notifying the owner of the issue prior to lodging a formal complaint. In many cases, owners may not be aware their dog is causing a nuisance (for example, barking when they are away). Council may, as a first step, issue an advisory letter to the dog owner outlining the complaint and suggesting ways to address the problem, while keeping the complainant’s identity confidential. If the nuisance persists despite this informal intervention, the affected person may then lodge a formal complaint under section 47 of the Act (with the prescribed fee) for Council to take enforcement action.”</i></p> <p>Additionally, encourage neighbourly communication: <i>“Council encourages neighbours to communicate openly where safe to do so, sometimes a polite conversation can resolve a dog noise issue amicably. Council can provide pamphlets on barking dog solutions that complainants may wish to give to their neighbour.”</i></p>	<p>An informal notification procedure is already being used by Council Staff but no formal procedure document exists.</p> <p>A formal procedure document could be created to formalize this practice.</p> <p>This procedure document would sit outside the Dog Management Policy but could be noted within the policy.</p>
<p>Issue 2: Clarity on Complaint Fee Refund, As previously noted, the policy should explicitly assure complainants that if their complaint is justified, their fee gets refunded. This is</p>	

<p>a simple clarification to reduce hesitancy to lodge valid complaints.</p> <p>Recommended Change: In the Complaints section, add: <i>“The complaint fee is refundable if the General Manager determines the complaint has substance (i.e., the dog is found to be creating a nuisance as defined by the Act).”</i> This way people know it’s essentially a deposit to prevent frivolous reports, not revenue or a charge to be lost if their cause is valid.</p>	<p>Section 9 of the Dog Management Policy to be amended to clearly state the fee will be refunded on substantiation of the complaint and sufficient evidence to enable Council to initiate proceedings.</p>
<p>Issue 3: Roaming Dogs (dogs “at large”), The policy covers impounding and responsibilities to not let dogs roam, which is good. One thing to emphasise or possibly adjust for rural context: farmers in our area have rights under the Dog Control Act to protect livestock (they can shoot dogs attacking livestock under certain conditions). While the policy doesn’t need to restate that, education to dog owners about roaming can highlight the serious risks (to wildlife, stock, and the dog itself). Possibly, Council could commit to stronger enforcement on repeat roamers because in rural areas roaming can be disastrous (sheep kills, etc.).</p> <p>Recommended Change: Ensure that when advising owners or in public communications, Council highlights the importance of containing dogs (e.g., “do not let your dog wander, both for community safety and the dog’s safety, landowners are legally allowed to destroy dogs chasing livestock, and dogs wandering near roads often get hit”, etc.). Perhaps incorporate into responsible ownership code: <i>“Dogs are not allowed to roam unsupervised”</i> is already there, maybe add rationale: <i>“Roaming dogs are at risk and can cause harm; Council takes roaming incidents seriously.”</i></p> <p>Also, Council might develop an escalating approach: first impound, caution the owner; second time the same dog is impounded, issue an infringement (since the Act allows a fine for dog at large). The policy could mention that persistent roaming will not be tolerated. This is somewhat implied but could be explicit. Given the major sheep farming in CHC, this is an area to be strict.</p>	<p>Noted.</p> <p>No changes required to Dog Management Policy.</p>
<p>Issue 4: Breeding and Kennel Licences (puppy farms), As noted, the policy replicates legal process well. But Tasmania is moving to tighten breeding rules (e.g., the government announced a limit of 10 fertile females per facility, etc.). Council should be ahead of the curve or at least prepared. Also, there’s community concern generally about large puppy farms and poor conditions. While CHC might not have any now, being vigilant is key.</p> <p>Recommended Change: In the Kennel Licence section, add a policy point that: <i>“In assessing licence applications, Council will have particular regard to animal welfare standards and scale of operation. Intensive breeding operations (so-called “puppy farms”) are not supported by Council, any kennel licence with a large number of breeding dogs will be subject to stringent conditions or may be refused in public interest. Council will also incorporate any new animal welfare regulations for dog breeding into licence</i></p>	<p>Noted.</p> <p>Minor amendments proposed to this section of the Dog Management Policy.</p>

<p><i>conditions (e.g., limits on number of breeding females, health testing, etc.)</i>.” This signals Council’s stance against puppy farms and readiness to enforce higher standards.</p> <p>Additionally, maybe commit to inspecting licensed kennels annually at renewal (the policy implies inspections can happen and at application, but an annual check or surprise inspections could be mentioned to ensure ongoing compliance with conditions).</p>	
<p>Issue 5: Information Accessibility for Kennel Licences, Minor, but ensure the process is clearly explained to the public. Perhaps have an information sheet or webpage: how to apply, what requirements must your kennel meet, etc. Because some people may not even realise they need a licence when they get a third dog.</p> <p>Recommended Change: Possibly mention: <i>“Council will provide guidance to those seeking a kennel licence on how to meet requirements (e.g., example site plans, welfare guidelines).”</i> This way, responsible folks can more easily comply, and irresponsible ones have no excuse.</p>	<p>Noted.</p> <p>A Kennel Licence Application Pack providing information and process is available from Council’s Offices and Website. The Dog Management Policy has been updated to advise where information can be found.</p>
<p>4.5 Dangerous Dogs & Restricted Breed Process</p>	
<p>Issue 1: Emphasise Behaviour over Breed (Avoid Breed Discrimination), The policy lists restricted breeds as required by law, but it doesn’t explicitly communicate Council’s philosophy regarding how breed is regarded. Given public sensitivity, it would be wise to state that Council focuses on individual dog behaviour and risk when taking enforcement action, and that aside from the few prohibited breeds, no lawful breed will be targeted without cause. Essentially, reassure that Council isn’t “breedist”. Also, if possible, highlight that even dogs of the restricted breeds will be treated per guidelines, meaning if they are declared restricted breed, they must follow same controls as dangerous, but owners have due process (the Act allows appeal if they think it’s not that breed).</p> <p>Recommended Change: Add a statement in the Dangerous Dogs section along the lines of: <i>“Council notes that a dog of any breed or mix can be dangerous if not properly managed. Council will not declare a dog dangerous or take restrictive action based on breed or appearance alone, only on evidence of aggressive behaviour or risk (except as required for the restricted breeds listed by law). All assessments will be based on the individual dog’s behaviour and circumstances.”</i></p> <p>And/or in the Restricted Breed sub-section: <i>“Restricted breed dogs are identified strictly according to State Government guidelines. Council does not impose breed restrictions beyond those mandated by legislation.”</i> If there are guidelines (some states have visual identification guidelines for pitbulls), referencing their use might assure due process.</p>	<p>Noted</p> <p>No changes to Dog Management Policy are being proposed.</p>
<p>Issue 2: Owner Support & Rehabilitation, Once a dog is declared dangerous, the regime is mostly punitive (though necessary). However, Council could consider if any program or referral can help owners manage these dogs safely. For example, in some places owners of dangerous dogs might be required or encouraged to attend a dog</p>	

<p>behaviour course or have sessions with a trainer. Though not in our legislation, Council could at least give information.</p> <p>Recommended Change: When notifying an owner of a dangerous dog declaration (or even during investigation phase), provide them educational resources (like “Understanding Dog Aggression” pamphlet, list of certified dog behaviorists, etc.). The policy might say: <i>“Council will provide advice to owners of declared dangerous dogs on managing their dog safely (for instance, muzzle training guidance, etc.), in addition to enforcing the legislated requirements.”</i> Also ensure they know about the appeal process clearly and the steps to possibly get declaration revoked if behaviour improves (though realistically, dangerous dog declarations in Tas remain for life unless court overturns, except guard dogs can be un-declared when they cease guarding). Maybe mention the guard dog undeclaration process explicitly (the policy does, actually, saying GM may revoke when notified guard duties ended).</p>	<p>Noted.</p> <p>Council’s Animal Control Officer provides assistance and guidance to the owners of dogs declared dangerous.</p> <p>Dog Management Policy updated accordingly.</p>
<p>Issue 3: Transparency to Public on Dangerous Dogs, Council keeps a Dangerous Dog Register as required, but by law that register is not open for public inspection except by written request. Some councils, however, will proactively notify nearby residents if a dangerous dog is in their vicinity (without giving owner details, maybe just “a dangerous dog resides in your street, ensure you’re cautious”). The policy doesn’t mention if Council will do any community notification.</p> <p>Recommended Consideration: Should Council inform immediate neighbours when a dog is declared dangerous next door? This can be sensitive (privacy vs right to know). Perhaps not in policy, but consider protocol. Since the Act allows a person to request details in writing, Council could handle on case-by-case. No specific change recommended in text here, but raising it as a thought for implementation.</p>	<p>Noted.</p> <p>As required by legislation, signage is erected at the premises where a declared dangerous dog resides.</p> <p>No changes to the Dog Management Policy are being proposed.</p>
<p>Issue 4: Enforcement of Dangerous Dog Conditions, The policy is strong that Council will inspect and act on breaches. Just reinforce that in implementation. Possibly add: <i>“Any breach of dangerous dog conditions will be dealt with firmly, including infringement or seizure if necessary, as these conditions are critical for public safety.”</i> But this is likely understood.</p>	<p>Noted.</p> <p>No changes to the Dog Management Policy are being proposed.</p>
<p>4.6 Enforcement Model & Proportionality</p>	
<p>Issue: Ensure consistency and officer training in enforcement. The policy sets good guidelines, but the human element is consistency. If one ranger gives warnings while another always fines, that’s an issue.</p> <p>Recommended Change: Internally, develop standard operating procedures so all Authorised Officers apply cautions vs fines in similar situations. The policy itself could mention: <i>“Council enforcement officers will be guided by this policy and internal protocols to ensure a consistent approach. All officers are trained in animal handling and conflict resolution to carry out duties professionally and humanely.”</i> Mention of training is good for community confidence (e.g. that rangers know how to calmly interact with dogs, not escalate situations, ties to RSPCA’s call for humane handling).</p>	<p>Noted.</p> <p>No changes to the Dog Management Policy are being proposed.</p>

<p>Issue: Using Data-Driven Enforcement. Council should periodically review its infringement and complaint data to identify patterns, e.g. if many infringements are for off-leash in a certain area, maybe that area needs better signage or even to be reconsidered as off-leash at certain times.</p> <p>Recommended Change: State that Council will monitor enforcement statistics and community feedback to adjust education and resource allocation. For instance, <i>“Council will monitor dog management incidents and complaints annually to identify any emerging issues and target education or enforcement accordingly (for example, if roaming incidents spike in a particular locality, Council might organise a community meeting or letter drop there about containment).”</i></p>	<p>Noted</p>
<p>4.7 Animal Welfare and Rehoming Pathways</p>	
<p>Issue: The policy’s language around unclaimed dogs could be improved to underline Council’s commitment to humane outcomes (rehoming vs euthanasia). We covered this in Part A, “disposed of or destroyed as sees fit” is legally correct but cold. Also, no mention that Council ensures impounded dogs are well cared for, though we trust they are. Making that explicit is beneficial.</p> <p>Recommended Change: Revise the Impounding section wording to explicitly prioritise rehoming: <i>“If the dog is not claimed in the above timeframe, Council will, wherever practicable, find a suitable new home for the dog (for example, by transferring it to the Dogs’ Home of Tasmania for rehoming). Only if a dog is unsuitable for rehoming (due to serious behavioural or health issues) or no home can be found will it be humanely euthanised.”</i> Also: <i>“Dogs impounded by Council are provided with appropriate care (food, water, shelter and any urgent veterinary care) during the holding period, in accordance with Council’s legal and welfare obligations.”</i> This aligns with RSPCA policy that pound dogs deserve good welfare. If Council has a 100% rehoming rate for adoptable dogs via Dogs Home, say it! (That’s something to be proud of).</p>	<p>Noted</p> <p>Council has a signed agreement with the Dogs Home of Tasmania. All unclaimed dogs are transferred to the Dogs Home.</p> <p>Minor inclusions around this have been included in the Dog Management Policy.</p>
<p>Issue: No mention of cat management, outside scope of Dog Policy, but some councils include a line like “Council recognises responsible pet ownership includes cats, but under current legislation cats are managed under separate provisions” etc. Probably not needed here, but just a note that community sometimes raises cats when talking about animal control. Not necessary to add to dog policy except maybe to say dogs shouldn’t attack cats (that might be under not endanger domestic animals which covers it).</p>	<p>Noted.</p> <p>No changes to the Dog Management Policy are being proposed.</p>
<p>4.8 Monitoring, Evaluation and Review Cycle</p>	
<p>Issue: The Dog Management Policy must be reviewed every 5 years by law. However, many things can change in between, legislation updates (like the Dog Control Act might get amended, or Animal Welfare Act updates on breeding as noted), or emerging issues (e.g., if there’s a spate of dog attacks). If Council only formally reviews every 5 years, it might operate with an outdated policy in the interim. Additionally, without interim evaluations, it’s hard to know if the policy is meeting its objectives or if adjustments are needed in practice.</p>	

<p>Recommended Change: Introduce a section in the policy on Implementation and Review that commits to:</p> <ul style="list-style-type: none"> • Annual Reporting: Council’s Animal Management section can produce a brief annual report or summary to Council (and public) on dog management statistics: number of registrations, complaints, infringements, impounds, adoptions, etc., and any educational activities done. This keeps the Council members informed and accountable on how the policy is working year to year. • Mid-term Review or Ongoing Review: Perhaps state: <i>“Council will continually monitor the effectiveness of this policy and may amend it if required. A comprehensive review including public consultation will occur at least every five years as required by the Act, or sooner if significant issues or legislative changes arise.”</i> This way, if say in 2023 new breeding laws came, Council could update the policy in 2024 without waiting for 2025. • Key Performance Indicators (KPIs): Optionally, set some targets to strive for, which can be evaluated. For example: “increase the percentage of registered dogs by X% in next year”, “reduce dog-related complaints by X% through education,” “0 dog attack incidents in public places per year,” “rehoming rate of unclaimed dogs 100% for those deemed suitable.” These give a yardstick to measure success of the policy’s implementation. Including them in policy is not common, but even internally, Council can have them. 	<p>Noted.</p> <p>Annual Reporting is required as part of Council’s Annual Plan.</p> <p>No changes to the Dog Management Policy are being proposed.</p>
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Submission 2

ISSUE	COMMENT
<p>Recommended Change: Page 8 of 18, Section 2.3 the word “attach” should be corrected to “attack”</p>	<p>Noted</p> <p>Dog Management Policy to be amended</p>
<p>Issue: A property owner may have a right to own more than two dogs, but neighbours have an equal right to not have to listen to them barking all day and night</p>	<p>Noted</p>
<p>Issue: I believe there should be an appendix that lists the web links to the various Acts or legislation</p> <p>https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2000-102</p> <p>https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1993-063</p> <p>https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1967-042</p> <p>https://www.legislation.tas.gov.au/view/whole/html/inforce/2019-08-11/sr-2010-039</p>	<p>Noted</p> <p>Dog Management Policy to be amended.</p>

20.3 DRAFT AMENDMENT 01-2026 OF THE STATE PLANNING PROVISIONS - SECONDARY RESIDENCES

RESOLUTION 27/03.2026/C

Moved: Cr D Meacheam

Seconded: Cr R Cassidy

THAT all comments on Draft Amendment 01-2026 of the State Planning Provisions be forwarded to Council's Planning Officer by Tuesday 9th April 2026.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

REPORT BY Kathy Bradburn, Senior Administration

Attachments - Draft Amendment 01-2026 – s30D Consultation Draft and Draft Amendment 01-2026 – Explanatory Document

DETAILS

The Tasmanian Government is proposing Amendment 01-2026 of the State Planning Provisions (SPPs) to increase the allowable gross floor area and further clarify the requirements for secondary residences (or granny flats).

Draft amendment 01-2026 of the SPPs proposes to increase the maximum gross floor area for secondary residence from 60m² to 90m² and includes other amendments to further clarify the requirements applicable to secondary residences.

In accordance with section 30C of the *Land Use Planning and Approvals Act 1993* the Minister for Housing and Planning has prepared Terms of Reference in relation to the preparation of the draft amendment which are available for viewing on the Planning in Tasmania website: www.stateplanning.tas.gov.au. The Minister has also prepared draft amendment 01-2026 of the SPPs in accordance with the Terms of Reference and accompanying explanatory document.

Council's Planning Officer has reviewed, and is in support, of draft amendment 01-2026 of the SPPs.

Comments are being sought and are to be forwarded to Council's Planning Officer by Tuesday 9th April 2026 to enable a response to be submitted.

20.4 MEDIUM DENSITY HOUSING

RESOLUTION 28/03.2026/C

Moved: Cr R Cassidy

Seconded: Deputy Mayor J Allwright

THAT the report be received and noted.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

REPORT BY Kathy Bradburn, Senior Administration

Attachments - Discussion paper & consultation questions, New Apartment Code, New Residential Zone, Revised Inner Residential Zone and Revised General Residential Zone

Details

The State Planning Office has identified Council as a key stakeholder for proposed changes to the State Planning Provisions (SPPs) in the Tasmanian Planning Scheme to make it easier to develop medium density housing across Tasmania.

The proposed changes to the SPPs have been drafted with the following key elements:

- New Apartment Code
- New Residential Zone
- Revised Inner Residential Zone
- Revised General Residential Zone
- Consequential changes to SPPs Definitions, Parking and Sustainable Transport Code, Miscellaneous exemptions, application requirements and incorporated documents

Targeted consultation is intended to inform key stakeholders of the range of SPPs that could be activated to make it easier to develop medium density housing.

Written comments can be provided until 5pm Friday, 8 May 2026 by email to the State Planning Office at: haveyoursay@stateplanning.tas.gov.au

21 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GOVERNANCE AND LEADERSHIP)

Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community

- 6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
- 6.3 Ensure appropriate management of risk associated with Council's operations and activities
- 6.4 Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- 6.5 Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- 6.6 Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- 6.7 Support and encourage community participation and engagement
- 6.8 Ensure that customers receive quality responses that are prompt, accurate and fair
- 6.9 Council decision making will be always made in open council except where legislative or legal requirements determine otherwise.

21.1 CENTRAL HIGHLANDS COUNCIL STRATEGIC PLAN 2025 - 2030

MOTION WAS WITHDRAWN FROM THE AGENDA

Moved: Cr

Seconded: Cr

THAT Council after formally advertising and receiving comments adopt the Central Highlands Council Strategic Plan 2025 to 2030 without amendments.

That Council write advising those who made representation that council has adopted the strategic plan without amendment and thanking them for their submission.

That after the council elections later this year a further review will be undertaken of the Strategic Plan to ensure the plan aligns with the views of the new council and the community.

REPORT BY Stephen Mackey, General Manager

DISCUSSIONS

The response is an example of the scrutiny which Councils and other levels of government, agencies, GBEs, companies etc will be subject to from the combination of individuals and groups who are comfortable with the use of AI, are able to craft a focused prompt and have documents/and data to inform the response, in this instance the strategy and community workshop notes.

The submission provides a comprehensive review and evaluation, identify weaknesses from the position of a community located away from the traditional Central Highlands economy but now increasingly important as the source of both residential development and renewable energy generation and from both perspectives a significant contributor to the “effective population”.

As a general observation, the recommendations within the submission are factors to be considered within the plans strategic initiatives, in particular as council reviews its financial management plan, asset management plan for example and implements the strategy, socio-economic, health and wellbeing strategies through its annual operating plan. As these are worked through, some of the issues raised may filter upwards to become the business process and rules.

The recommendations are considered in the sequence provided in the submission.

1. Adopt a Formal Community Engagement & Accountability Framework:

While included as a strategy/principle within the business model, the mechanisms and schedules have not been codified as identified within the submission but will form a part of the review process. The General Manager reporting to Council, this will provide the basis for reporting to the community as Council decides. The principles of transparency, trust & accountability are built into the strategy from Councillors input into it.

2. Incorporate Equity in Resource Allocation Decisions:

Council has an ongoing obligation to maintain its asset base and invest in capital works on a benefit-cost basis. Assets and asset categories are not evenly distributed across the municipality so cost cannot be explicitly attached to catchment population or rate revenue generated. It may be that for a particular year expenditure appears to exclude some areas to the benefit of others but over say a decade, this may balance out.

Again, the review of the financial management strategy and link to the asset management plan and Council strategies will form the basis to clarify the recurrent expenditure and capital investment programs on a rolling 5 year basis and at a less detailed level for the following 5 years. The parameters for the benefit-cost analysis will include factors such as community socio-economic benefits such as included in the submission, making the criteria, safety, economic benefit, equity for example explicit.

This supports Councillors in their conversations with the community, contributing to confidence & trusts.

To address community concerns about fair distribution of investment, Council should articulate the principles by which it will allocate budgets and infrastructure projects across different areas. This can be done by publishing an addendum to the Strategic Plan or within the annual budget documents that shows planned capital and operational spending by locality or precinct, linked to need indicators (population growth, usage, etc.). The Plan does hint at equity considerations in revenue[70], but more is needed on the spending side. Adopting an “equity-weighted” approach, for instance, ensuring high-growth areas receive a proportional share of new investment, could be a model[73]. Council might set

a policy that areas growing by a certain percentage get priority for certain upgrades, or that historically under-served communities get a dedicated budget each year. By making these criteria explicit, Council can justify its decisions to the public in a transparent way, and communities like Miena or Bronte Park can see a path for improvements, not just hear that they must wait. This should be combined with publishing justifications for major projects[72], as the community requested, so that whether a project is in Hamilton or Derwent Bridge, people understand the rationale (be it safety, economic benefit, equity, etc.).

3. Define Timelines and Milestones for Key Initiatives:

Timelines are important and a focus of our specific purpose plan reviews. The challenge has been to develop some certainty into timelines, without confidence in the underpinning foundation documents such as the 10year financial plan. The financial plan frames our capacity to deliver, once reviewed this will provide increased certainty in publishing them. As we are moving to a target based business model, the dates must reflect reality.

In other instances, the specific dates for outcome delivery are dependent upon other players, in this instance Council will report on progress and dates for completion of its part in the process.

The Strategic Plan should be supplemented with a high-level implementation schedule. This doesn't have to pin down every action, but it should identify, say, the top 10 strategic initiatives and provide target timelines (e.g., "By 2024-25, complete rezoning proposals for target towns; By 2025-26, secure funding for medical service expansion; By 2027, deliver new housing lots in X town," etc.). Currently, the lack of timelines is a major critique[11]. Introducing timelines will help Council in staging the work and help the community hold Council accountable in a fair way (they will know not to expect certain outcomes before a given year). It will also facilitate intergovernmental discussions, for example, if upgrading the Marlborough Highway is a 2026 goal in the Plan, Council can use that in negotiations with the State Government. Internally, staff can align grant applications and projects to these milestones. We understand not everything can be rigidly scheduled, but even indicative timing for strategic moves (like rolling out structure plans, or infrastructure advocacy phases) would be beneficial. Additionally, identifying quick wins versus long-term projects could manage public expectations. As it stands, many community-driven priorities appear delayed to "at least 2026/2027"[117], by clarifying this and perhaps expediting a few critical ones (if feasible), Council can maintain community support and momentum.

4. Enhance Focus on High-Growth and Emerging Areas:

Council has recently completed a structure plan for parts of the municipality. It has also submitted a funding application to Regional Development Australia to extend this work with a focus on aspects such as community facilities and infrastructure.

Balancing recurrent and capital expenditure across asset classes, condition, community benefits and financial capability is a key focus of Councils strategic transition. This includes

the consideration of multiple risk categories and need arising from increase population, visitation and traffic flows

The Plan should be adjusted or interpreted flexibly to include emerging growth areas in its scope. Specifically, Council should commit to extending planning and infrastructure assessments to locales like Miena, Bronte Park, Wilburville, and Derwent Bridge, which were repeatedly mentioned as overlooked[118][119]. This doesn't mean abandoning the focus on the four primary towns but running parallel efforts so that these other areas have structure plans or development plans initiated within the Plan period. For example, Council could resolve to commence a Miena community plan or a Great Lake area strategy in 2025, ensuring that by mid-plan period there's clarity for that area's residents and shack owners about future development (housing, roads, services). Additionally, rebalancing the capital works program to fund some "quick fix" projects in these areas (like road sealing were justified by traffic[120], or enhanced maintenance) would show responsiveness. Essentially, the recommendation is to align the Plan's implementation more closely with actual growth patterns, so that fast-growing communities feel supported, not left behind. This will prevent small issues from compounding (for instance, inadequate sewage in a growing shack community could become an environmental health issue if not pre-emptively addressed).

5. Strengthen Environmental and Emergency Initiatives

Emergency preparedness from an individual and community perspective is a key Council focus and the priority in negotiation with State Government and industry, including in Council's discussion with large scale industry entities such as Hydro and other renewable energy providers in the strategic investment in health, accident fire and other events to improve our local response capability.

Organisations such as STT have in place initiatives to detect, analyse and automate response mechanisms for fire, Council is considering how to link with such technologies as a part of our emergency response planning with

Council has taken initial steps to develop its climate change transition plan....

Amenity is a key determinant of resident wellbeing and visitor experience

Partnership with the community

Given community worries about environmental sustainability and emergency preparedness, Council should bolster the Plan's actions on these fronts. This could involve explicitly incorporating a Climate Change Adaptation and Emergency Management Plan as a deliverable of the Strategic Plan. The Plan already calls for developing an adaptation strategy[39], Council should prioritise this and perhaps set a date (e.g., complete by 2026) and involve the community in its creation. On emergency management, Council might commit to tangible steps like securing funding for the smoke detection camera network within a year, conducting a community emergency response workshop in each major locality, or establishing local emergency coordination groups. While some of this operational detail may be outside the Strategic Plan's typical content, including a few concrete commitments in the Plan or as a policy resolution will reassure residents that this

critical area is not deferred indefinitely. Similarly, for environmental management, the Council could initiate local projects (even small ones) such as lake shoreline clean-ups, tree planting, or invasive species control with community volunteers, activities that show environmental stewardship. These can tie into the Health and Wellbeing Plan or NRM partnerships but should be visible locally. By doing so, Council addresses the gap noted by residents that they didn't see "Council-led conservation efforts or sustainability programs" in the Plan[22]. It shows that beyond relying on state regulation, the local government is taking ownership of its natural assets.

6. Implement Clear Monitoring and Reporting of Plan Progress: Finally, it is recommended that Council institute a monitoring mechanism specifically for the Strategic Plan. This could be an annual Strategic Plan Progress Report to Council (and the community) each year, evaluating how Council is tracking against each of the nine areas in this review. For example, it can list what was done in the past year for strategic clarity (did we communicate well?), for financial sustainability (did we achieve budget targets, secure new revenue?), for land use (did we start the rezoning process?), etc., aligned with KPIs where possible. Such a report could be in plain English summary form for the public, complementing the formal Annual Report. The community explicitly asked for annual reporting and mid-year reviews with measurable outcomes tied to community-identified goals[121]. Delivering this will operationalise the accountability principle set in the Plan[48]. Additionally, establishing an ongoing dialogue, perhaps via the suggested advisory panel or an annual "State of the Highlands" community meeting, will keep the Plan a living document. It prevents surprises and allows mid-course corrections with community input if something isn't working. As one community participant pointed out, this is about ensuring transparency in project funding and decision-making moving forward[122].

Adopting these reporting practices will make it much easier for Councillors to see if strategic objectives are on track and for the community to stay engaged and supportive, rather than only raising issues at the end of the five-year term. In conclusion, the Strategic Plan 2025–2030+ provides a strong foundation and direction for Central Highlands Council. By implementing the recommendations above, which essentially boil down to clarifying, communicating, and committing, the Council can enhance the Plan's impact and align it more closely with community aspirations. This will transform a solid strategic vision into on-the-ground reality, ensuring that by 2030 the Central Highlands is indeed a more vibrant, equitable, and resilient place, as both the Council and its constituent's desire. With these adjustments, the Plan will not only be a guiding document for internal decision-making but also a living contract with the community, one that visibly responds to their concerns and measures its success by their wellbeing.

21.2 ECONOMIC DEVELOPMENT AND COMMUNITY DEVELOPMENT SPECIAL COMMITTEE MEMBERSHIP

MOTION WAS WITHDRAWN FROM THE AGENDA

Moved: Cr

Seconded: Cr

THAT Council nominate the following person to be member of the Economic Development and Community Development Special Committees

Economic Development Special Committee

1. Mr John Stephenson
2. Mr James Johns
- 3.
- 4.

Community Development Special Committee

1. Mr Stephen Loring
- 2.
- 3.
- 4.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

REPORT BY Stephen Mackey, General Manager

DISCUSSION

Council has resolved set up the Economic development and Community Development Special committees with four community members on each of these. Council in December advertised for community members to nominate to members of these committees. At the close of nominations only Mr John Stephenson had advised of his interest in being on the Economic development committee.

21.3 MOTION FROM AUDIT PANEL**RESOLUTION 29/03.2026/C****Moved:** Deputy Mayor J Allwright**Seconded:** Cr J Hall**THAT** Council adopt the Risk Management Register.**CARRIED****For the Motion**

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities, and its decision making is supported by sustainable policies and procedures
Council Policy	Policy No. 2015 - 41 Risk Management Policy and Strategy
Legislative Context	Local Government Act 1993
Consultation	Council's Audit Panel and Senior Management Team
Impact on Budget/Resources	As per 24/25 Council approved budget
Risk	The council must ensure that it meets its legislative and governance responsibilities as per the Local Government Act 1993.

REPORT BY Adam Wilson, Deputy General Manager**Attachments - Risk Management Register (DRAFT)****BACKGROUND**

The previous Risk Management Register was approved by Council in the June 2025.

The Audit Panel met on Monday 16 February 2026 and reviewed the risk management register.

The Audit Panel made the following resolution:

RESOLUTION*Moved: Cr J Hall**Seconded: Deputy Mayor J Allwright**THAT Council adopt the Risk Management Register.***CARRIED***For the Motion: Mr I McMichael (Chair); Deputy Mayor J Allwright; and Cr J Hall*

21.4 OMBUDSMAN TASMANIA RIGHT TO INFORMATION

RESOLUTION 30/03.2026/C

Moved: Cr R Cassidy

Seconded: Cr J Honner

THAT the Deputy General Manager:

- a) document and implement procedures which mandate additional checking of the information intended to be released under the Right to Information Act 2009 when this contains personal information assessed as being exempt under s36 of that Act.
- b) develop a written guidance document to inform staff that administrate Right to Information requests on how to respond to the inadvertent release of personal information identified as exempt under s36 of the Right to Information Act 2009; and
- c) review Council's redaction methods and naming conventions regarding documents to be released under the Right to Information Act 2009 to ensure that these are effective and that personal information is not inadvertently released.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

IMPLICATIONS AND FINANCIALS

Strategic Plan	6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures.
Legislative Context	<i>Local Government Act 1993 Ombudsman Act 1978 Right to Information Act 2009 Personal Information Protection Act 2004</i>
Council Policy	<i>Policy No. 2014 – 30 Privacy (Personal Information) Policy</i>
Consultation	Senior Management Team
Impact on Budget/Resources	As per 25/26 Council approved budget
Risk	The council must ensure that it meets its legislative and governance responsibilities as per the <i>Local Government Act 1993, Ombudsman Act 1978, Right to Information Act 2009 and Personal Information Protection Act 2004</i>

REPORT BY Adam Wilson, Deputy General Manager

Attachments - Letter Ombudsman Tasmania 4 March 2026, Investigation Report – March 2026, Ombudsman Tasmania and Media release – 11 March 2026

BACKGROUND

The Ombudsman wrote to the General Manager on the 4 March 2026 regarding an investigation report that was undertaken by the former Ombudsman, Mr Richard Connock, under section 13 of the *Ombudsman Act* 1978 into administrative action at public authorities.

This investigation reviewed concerns about the inadvertent release of personal information by public authorities implementing decisions on assessed disclosure applications under the Right to Information Act 2009.

The investigation by the former Ombudsman has now been concluded and the Ombudsman provide a copy of the Investigation Report dated March 2026, the report made the following recommendations:

1. Document and implement procedures which mandate additional checking of the information intended to be released under the Right to Information Act 2009 when this contains personal information assessed as being exempt under s36 of that Act.
2. Council should develop a written guidance document to inform their staff as to how to respond to the inadvertent release of personal information identified as exempt under s36 of the Right to Information Act 2009. This should contain an expectation that, if practicable, the affected individuals be notified of the breach and the type of information released and be informed of their rights under the Personal Information Protection Act 2004 to complain about the release of their personal information.
3. Council should undertake an audit of their past 30 decisions or those made within the last 12 months under the Right to Information Act 2009 (whichever is fewer) in which information was found to be exempt under s36. This audit should ascertain if any personal information has been released in error and if process changes are needed to reduce commonly occurring errors. Appropriate steps should be taken to rectify any breaches of the Personal Information Protection Act 2004 if these are identified in the audit.
4. When regularly deal with information relating to children and victim survivors of sexual abuse, specifically but not limited to the Department for Education, Children and Young People, should conduct an additional review of the appropriateness of their information disclosure practices. This review should focus on whether these practices limit harm and do not cause additional trauma, in recognition of the sensitivity of the personal information of which they are the custodians.
5. Council should review their redaction methods and naming conventions regarding documents to be released under the Right to Information Act 2009 to ensure that these are effective and that personal information is not inadvertently released.

The Deputy General Manager as the Right to Information Officer has undertaken a review and Council have only received one Right to Information request in the past 12 months.

In accordance with the Right to Information Act 2009, Council's Right to Information Officer reviewed the Right to Information request and the seventeen (17) documents that were identified by Council after considering the Right to Information request.

One (1) document an email 25 January 2023 – following inspection, Council's Right to Information Officer was satisfied that part of the information was exempt information pursuant to section 36 of the Right to Information Act 2009, being the personal information of a person. The relevant personal information was removed from the document before providing a copy to the person requesting the information under the Right to Information request.

The Deputy General Manager will develop a written guidance document to inform staff that administrate Right to Information requests on how to respond to the inadvertent release of personal information identified as exempt under s36 of the Right to Information Act 2009. This guidance document will contain an expectation that, if practicable, the affected individuals be notified of the breach and the type of information released and be informed of their rights under the Personal Information Protection Act 2004 to complain about the release of their personal information.

The Deputy General Manager document and implement procedures which mandate additional checking of the information intended to be released under the Right to Information Act 2009 when this contains personal information assessed as being exempt under s36 of that Act.

The Deputy General Manager will review Council's redaction methods and naming conventions regarding documents to be released under the Right to Information Act 2009 to ensure that these are effective and that personal information is not inadvertently released.

21.5 LGAT MOTIONS FOR THE APRIL GENERAL MEETING

Motion 1 **Second Generation Rodenticides – Hobart City Council**

RESOLUTION 31/03.2026/C

Moved: Cr J Honner

Seconded: Cr D Meacheam

THAT Council supports the proposed motion by Hobart City Council as written.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

REPORT BY Stephen Mackey, General Manager

Decision Sought

That Tasmanian councils cease using second-generation rodenticides at council facilities if they are still being used.

That Tasmanian councils be encouraged to engage with their communities to encourage avoidance of second-generation rodenticides, identified by the word 'poison' on packaging as opposed to 'caution'

BACKGROUND COMMENT

The City of Hobart does not use second-generation rodenticides in its facility bait boxes and understands that other councils around the country also avoid its use.

There is currently a national campaign being undertaken to ban second-generation rodenticides as they are deadly to birds of prey and other wildlife that eat both live prey and carrion. Stricter use guidelines have been proposed, but councils could act immediately to cease their use and encourage awareness throughout the community.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) has "*concluded that the way products containing second-generation anticoagulant rodenticides (SGARs**) are currently used is creating current risks to *non-target animals, including native wildlife.*

This conclusion has led the APVMA to propose suspending SGAR products so that stricter controls around their use can be implemented quickly.

The controls on use that could be put into place during a suspension are designed to remove the most likely routes of native wildlife exposure, to manage the risks while the review is finalised.

The suspension of SGARs, if enacted, would occur as soon as possible after the end of a six-week consultation with the product registration holders and state and territory governments.

If the suspension goes ahead, SGAR products could still be used, but only in accordance with the enforceable new instructions, conditions and use patterns that will apply nationally."

Support for the City's motion will ensure a consistent, statewide approach to rodent management to ensure best practice and alignment across jurisdictions.

Motion 2 Changing Local Government's role in delivering immunisation programs

RESOLUTION 32/03.2026/C

Moved: Deputy Mayor J Allwright

Seconded: Cr Y Miller

THAT Council supports the proposed motion By West Tamar Council as written.

CARRIED

For the Motion

Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffitt

REPORT BY Stephen Mackey, General Manager

Decision Sought

That LGAT advocates for the following:

1. That the Tasmanian Government remove or modify section 57 of the *Public Health Act 1997* which requires Councils to develop and implement an approved program for immunisation in its municipal area.
2. That the Tasmanian Department of Health take primary responsibility for delivery of school-based immunisation programs in Tasmania.
3. That Section 57 (1) if not removed be replaced with:

*“A Council may develop and implement an approved **Program** for immunisation in its municipal area by liaising with the Tasmanian Health Service who is required to carry out school-based immunisation programs statewide.”*

BACKGROUND COMMENT

Under section 57 of the *Public Health Act 1997*, a council must develop and implement an approved program for immunisation in its municipal area.

57. Council immunisation programs

- (1) A council must develop and implement an approved program for immunisation in its municipal area.
- (2) The Director may require a council to provide any information the Director determines relating to its immunisation program.

For most councils this includes delivering the National Immunisation Program (NIP) to high school students. This is the School-Based Immunisation Program (SBIP). Some councils also deliver community immunisation clinics.

Delivering an immunisation program is a specialised activity, requires the employment or contracting of nurse immunisers or health professionals, and the management of specialised medical processes including administering vaccines, managing adverse reactions and the storage and transport of vaccinations.

Victoria and Tasmania are the only States where local Councils deliver school based immunisation programs. All other States coordinate this function through State government departments.

The Tasmanian Department of Health is considered to be best placed to manage the resourcing and risks associated with implementing an immunisation program across the state, including school-based immunisation programs.

This is especially the case as the State Government has implemented its school nurse program. Now that a school nurse program has been implemented it is Council's belief that running school immunisation programs should no longer be a requirement and that Council

can and should be able to choose to opt in to providing these programs when and if it believes that it is appropriate to do so.

21.6 RELATED PARTY DECLARATIONS – QUARTERLY UPDATE

FOR ACTIONING (if required)

Report by Katrina Brazendale, Executive Assistant

BACKGROUND

As part of Council's legislative requirements under the AASB 124 Related Party Disclosures, local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements.

All Councillors and Senior Managers must declare any close family member or any entities that they control or jointly control, which have any transactions between them and Council; whether it is monetary or not, needs to be identified and disclosed.

These declarations are completed an annual basis but from time to time, circumstances may change throughout any one year and therefore, a new updated declaration must be completed.

22. CONSIDERATION OF SUPPLEMENTARY AGENDA ITEMS TO THE AGENDA

Cr A Archer left the meeting at 7.57 p.m.

22.1 LOCAL GOVERNMENT REPRESENTATIVES FIRE SERVICE COMISSION 2026

RESOLUTION 33/03.2026/C

Moved: Cr J Honner

Seconded: Cr R Cassidy

THAT Council nominate Cr A Archer as the Local Government representative on the State Fire Commission

CARRIED

For the Motion

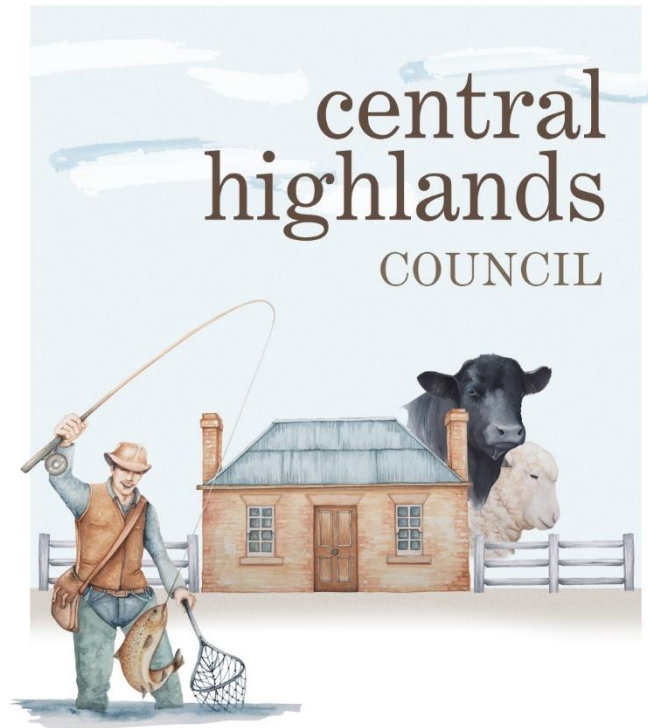
Mayor L Triffitt; Deputy Mayor J Allwright; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr Y Miller; Cr D Meacheam and Cr S Triffett

23. CLOSURE

Mayor Triffitt thanked everyone for their contribution and declared the meeting closed at 8.00 p.m.

Mayor L Triffitt

Dated: 21 April 2026



**Finance Committee
Meeting Minutes**

17th March 2026

Hamilton Council Chambers

Notice of Finance Committee Meeting– Tuesday 17th March 2026

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2025, Notice is hereby given, that a Finance Committee Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Hamilton** on **Tuesday 17th March 2026**, commencing at **3.30pm** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2025 Part 2, Division 1, a notice of the meeting was published in the Mercury on 12 March 2026.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Bothwell this **13th** day of **March 2026**.



Stephen Mackey
General Manager

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1. OPENING

The meeting commenced at 3.30 p.m.

AUDIO RECORDING DISCLAIMER

As per *Regulation 43 of the Local Government (Meeting Procedures) Regulations 2025*, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

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 in accordance with Council's Policy 2017-50.

The Mayor also advises, that members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council committee meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

2. PRESENT

Cr D Meacheam, Deputy Mayor J Allwright, Cr A Archer and Cr J Hall

IN ATTENDANCE

Mr Stephen Mackey (General Manager), Adam Wilson (Deputy General Manager), Zeeshan Tauqeer (Accountant) and Mrs Katrina Brazendale (Minute Secretary).

3. APOLOGIES

Nil

4. MINUTES

4.1 CONFIRMATION OF DRAFT FINANCE COMMITTEE MINUTES

RESOLUTION

Moved: Deputy Mayor J Allwright

Seconded: Cr J Hall

THAT the Draft Minutes of the Finance Committee Meeting held on Tuesday 17 February 2026 be confirmed

CARRIED

For the Motion

Deputy Mayor J Allwright; Cr J Hall and Cr D Meacheam

PURPOSE

The purpose of the report is to confirm the Finance Committee Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

5. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

PURPOSE

In accordance with the requirements of Part 2 Regulation 10 of the Local Government (Meeting Procedures) Regulations 2025, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

Nil

6. BUSINESS ARISING – 17 FEBRUARY 2026 FINANCE COMMITTEE MEETING**RESOLUTION****Moved:** Deputy Mayor J Allwright**Seconded:** Cr J Hall**THAT** the information be received

7.0	Fees and Charges – Gravel private work pricing and income analysis	Progressing during budget
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CARRIED**For the Motion**

Deputy Mayor J Allwright; Cr J Hall and Cr D Meacheam

7. STANDING ITEMS

- Financial Reports – End of February 2026 - **NOTED**
- Significant Financial Impacts on the Council – Financial impact on Council cash position - **NOTED**
- Insurance Coverage – Management meet with Insurance Broker last week to discuss upcoming renewals - **NOTED**
- Fees and Charges – **DISCUSSED AND NOTED**
- Annual Financial Statement – Financial Audit Strategy year ending 30 June 2026 - **NOTED**
- Auditor Reports – Auditor – General’s report on the financial statements of State entities Volume 4 – Local Government - **NOTED**

8. NEW BUSINESS*Cr A Archer attended the meeting at 4.10 p.m.*

- 8.1 Council properties that maybe non-productive assets.
DISCUSSED AND NOTED
- 8.2 Budget 2026-27 Draft Rates Estimates
DISCUSSED AND NOTED

9. OTHER BUSINESS

Nil

10. NEXT MEETING

19th May 2026 at 3.30 p.m. – Hamilton

11. CLOSURE

Cr D Meacheam thanked everyone for their contribution and declared the meeting closed at 4.38 p.m.

Cr D Meacheam

Dated: 19 May 2026

SCHEDULE 2 - Members and Meetings of Scientific Advisory Committee and Community Review Committee

Sections 8 (7) and 9 (4)

1. Interpretation

In this Schedule, *Committee* means the Scientific Advisory Committee or the Community Review Committee.

2. Term of office

A member of a Committee is to be appointed for such term, not exceeding 3 years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment for a term, not exceeding 3 years, specified in the instrument of re-appointment.

3. Provisions relating to members

Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his or her time to the duties of his or her office, that provision does not operate to disqualify him or her from holding that office and also the office of a member of a Committee.

4. Remuneration, &c., of members

A member of a Committee is to be paid such remuneration, expenses and allowances as the Minister may determine, but no such determination applies in respect of a member of the Committee who holds office in the State Service unless the Minister administering the State Service Act 2000 approves of the determination.

5. State Service Act 2000 not to apply

The provisions of the State Service Act 2000 do not apply to, or in respect of, the appointment of a member of a Committee and a member of the Committee is not, in his or her capacity as such a member, subject to the provisions of that Act during his or her term of office.

6. Appointment of substitute to act during absence of member of Committee

(1) The Minister may appoint any person (including a member of a Committee other than the chairperson of the Committee) to act in the office of the chairperson or appoint any person to act in the office of a member of the Committee other than the chairperson while the chairperson or that member of the Committee, as the case may be, is absent from office through illness or any other cause.

(2) A member of a Committee other than the chairperson is, for the purposes of subclause (1), taken to be absent from his or her office if the member is acting in the office of chairperson under subclause (1).

(3) A member of a Committee is, for the purposes of subclause (1), taken to be absent from his or her office if there is a vacancy in that office which has not been filled in accordance with clause 8.

(4) A person is not concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a member of a Committee and all things done or omitted to be done by that person while so acting are as valid, and have the same consequences, as if they had been done or omitted to be done by that member.

7. Vacation of office

(1) The office of a member of a Committee becomes vacant –

(a) when the member dies; or

(b) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or

(c) if the member is absent from 3 consecutive ordinary meetings of the Committee of which reasonable notice has been given to him or her, either personally or in the ordinary course of

post, unless on leave granted by the Minister or unless, before the expiration of 3 weeks after the last of those meetings, the member is excused by the Minister for his or her absence from those meetings; or

(d) if the member is convicted in Tasmania of a crime or offence which is punishable by imprisonment for a period of not less than 12 months, or if the member is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable; or

(e) if the member resigns his or her office by writing under his or her hand addressed to the Minister and the Minister accepts the resignation; or

(f) if the member is removed from office by the Minister under subclause (2) .

(2) The Minister may remove from office a member of a Committee if the Minister is satisfied that the member –

(a) has voted at any meeting of the Committee in respect of any matter in which the member was at the time interested (otherwise than as a member of the public or as an elector of, or rate-payer to, any municipality, or as a shareholder in a company in which there were at that time more than 20 members and of which the member was not at that time a director or officer); or

(b) is unable to perform adequately or competently the duties of the member's office.

(3) A member of a Committee must not be removed from office otherwise than in accordance with this clause.

8. Filling of casual vacancies

On the occurrence of a vacancy in the office of a member of a Committee otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to the vacant office for the balance of his or her predecessor's term of office.

9. Protection of members of Committee

A member of a Committee is not personally liable for an honest act or omission in the performance or the purported performance of functions, or exercise or purported exercise of powers, under this Act.

10. Validity of proceedings, &c.

(1) An act or proceeding of a Committee is not invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Committee.

(2) All acts and proceedings of a Committee are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Committee or that any person was disqualified from acting as, or incapable of being, a member of the Committee, as valid as if the member had been duly appointed and was qualified to act, or capable of being, a member and as if the Committee had been fully constituted.

11. Presumptions

In any proceedings by or against a Committee, unless evidence is given to the contrary, proof is not required of –

(a) the constitution of the Committee; or

(b) any resolution of the Committee; or

(c) the appointment of any member of the Committee; or

(d) the presence of a quorum at any meeting of the Committee.

12. Convening of meetings of Committee

Meetings of a Committee may be convened by the chairperson of the Committee or by any 3 members of the Committee.

13. Procedure at meetings

- (1) At any meeting of the Community Review Committee, 5 members form a quorum.
- (1A) At any meeting of the Scientific Advisory Committee, 4 members form a quorum.
- (2) Questions arising at a meeting of a Committee are to be determined by a majority of votes of the members of the Committee present and voting.
- (3) A Committee may obtain information from any person so as to assist it in the discharge of its functions.
- (4) A Committee must keep full and accurate minutes of the proceedings at each of its meetings.

14. Chairing of meetings

The chairperson of a Committee or, in the absence of the chairperson, the person acting in the office of chairperson is to preside at a meeting of the Committee.

15. General procedure

The procedure for the calling of, and for the conduct of business at, meetings of a Committee is, subject to any procedure that is specified in this Schedule, to be as determined by the Committee.

***Aboriginal Heritage Bill 2026* – draft exposure Bill**

Explanatory Clause Notes**

These notes are intended to provide a brief explanation of the intent, and the legislative mechanisms used, for each provision of the *Aboriginal Heritage Bill 2026*.

** Note that, strictly, provisions in a Bill are ‘clauses’ and don’t become ‘sections’ until the Bill is passed and becomes an Act. However, although ‘clause’ is used in the numbering, ‘section’ (or ‘s.’ for short) is used in the notes to avoid confusion with the Bill’s text, which uses the term throughout.

Consultation Draft

Explanatory clause notes

NOTE: Council = Aboriginal Heritage Council.

PART 1 – PRELIMINARY

- Clause 1** **Short Title *[purely formal]***
- Clause 2** **Commencement**
This will allow, if necessary or appropriate, for a staggered commencement, with some provisions coming into force before others.
- Clause 3** **Objects and principles**
This sets out the high-level principles of the Bill, stressing Aboriginal custodianship and decision making. They include a reference in (d) to the protection and management of Aboriginal heritage as ‘an integral part of the resource management and planning system’ (RMPS).
- Clause 4** **Act does not affect operation of certain other Acts**
This clarifies that the Bill will not override the provisions of legislation relating to human remains; or remove a requirement to have an authorisation under any other Act, or to take into account the RMPS.
- Clause 5** **Extraterritorial operation of Act**
This section expresses the intention that the Act will apply outside Tasmania, but cannot override other law that applies in those territories. It is a standard provision that will be taken into account by a court.
- Clause 6** **Non-application of Act**
This section stipulates exemptions from the Act: (1)(a) allows for other activities to be prescribed (in the Regulations – ie still subject to Parliamentary approval but more flexible than requiring an amendment of the Act itself); (1)(b) covers travelling on land, where such movement is already authorised, for works related to service infrastructure – which is defined in (3); and (1)(c) includes ‘works of a minor nature that are necessarily ancillary’ to activities under either (a) or (b).

(2) provides that the Act will apply in the circumstances outlined in (1) if there is known to be Aboriginal heritage in the area, and the activity is likely to have ‘more than a temporary impact’ on it; or if unforeseen Aboriginal heritage is found.
- Clause 7** **Act binds Crown**
An important legal formality, to make it clear the Crown and its Agencies are subject to this Act.

PART 2 – RECOGNITION OF CONNECTION TO COUNTRY

- Clause 8 Acknowledgement of custodians of Aboriginal heritage**
This supplements s.3 above. The Act acknowledges the great age and value of Aboriginal culture, the custodianship of Aboriginal heritage by Aboriginal people, and the intent that where practicable it should be in their custody.
- Clause 9 Traditions of Aboriginal people**
The terminology in relation to traditions is largely standard across legislation relating to Aboriginal land and culture in Australia; the words in (a) and (b) were inserted when the current *Aboriginal Heritage Act 1975* (the AHA) was amended in 2017.
- Clause 10 Traditional use**
The main purpose of this section is to avoid the Bill having the unintended consequence of impinging on rights of Aboriginal people in relation to Aboriginal heritage, provided its use is not contrary to relevant Aboriginal traditions. And (in support of some provisions in Part 5 and s.105) it clarifies that the Bill will not inappropriately force the disclosure of information or require other culturally inappropriate action. It also provides that the Bill does not confer any right of access to land.

PART 3 – INTERPRETATION

- Clause 11 Interpretation**
Much of this is standard content, clarifying the meaning of terms used in the Bill. Certain important terms are separately defined in the following sections.
- Significant terms defined here include ‘area’, which is relevant to the definitions of Aboriginal heritage ‘place’ and ‘site’. It also applies in the definition of ‘cultural landscape’, which will depend on an assessment process that is to be prescribed in due course in the Regulations. The term ‘land activity’, which is used throughout in relation to authorisations, is defined to mean ‘any development or use’.
- The intent is that ‘Aboriginal heritage site’ will continue to be the term for the most numerous form of Aboriginal heritage, being objects and places comprising or containing physical evidence of Aboriginal occupation. ‘Aboriginal heritage objects’ will be either those requiring a nomination process for registration, or those held in collections. ‘Aboriginal heritage places’ will be those registered by nomination.
- ‘Registered’ is defined to include all stages, from the first formal steps (notification, nomination etc).

A ‘small business entity’ is defined by reference to the *Commonwealth Income Tax Assessment Act 1997*, where s.328-110 provides the core definition: ie a business with an aggregated turnover of less than \$10 million a year. This is relevant in many of the Bill’s penalty provisions.

Clause 12 **Meaning of *Aboriginal human remains***

The provisions in this section are very similar to those in the Victorian legislation and are largely self-explanatory. In the event of dispute, a process can be prescribed, in which it is expected that the Aboriginal Heritage Council (the Council) will play a key role.

Clause 13 **Meaning of *harm***

Defines ‘harm’ as acts or omissions that result in ‘damage, defacement, destruction or other harm to, or interference with Aboriginal heritage’, or its ‘permanent concealment’. There are exceptions if the act or omission is in accordance with the Act or an authority under it, or is prescribed in the Regulations as not falling within the definition.

Clause 14 **Meaning of *significance***

Sets out a standard list of possible aspects of significance, as already largely adopted in the 2017 amendments of the 1975 AHA. It also refers to potential significance in respect of traditions, stories, arts, etc. This allows intangible elements to be considered in the assessment of Aboriginal heritage values.

Clause 15 **Certain objects excluded from definition of *Aboriginal heritage object***

Specifies a number of exclusions, including the one common nationally and already in the AHA, of items made for sale. It also excludes the possibility that the definition of ‘object’ might override the rights of intellectual property holders, such as the ownership rights of creators of artworks.

PART 4 – ABORIGINAL HERITAGE COUNCIL

Clause 16 **Aboriginal Heritage Council established**

This section provides for the establishment of a new Council, replacing the Aboriginal Heritage Council that became statutory in 2017 when the AHA was amended. It also includes purely formal elements.

Clause 17 **Membership of Council**

The core provisions differ somewhat from those in the AHA, such as a minimum of 5 and maximum of 7 members (still all

being Aboriginal people), and appointment by the Minister (who also appoints the Chair). They are to be broadly representative of Aboriginal people across the State.

Other new elements include particular reference to the collective skills that must be present. These are specified to include skills not only in the protection and management of Aboriginal heritage, but also in project delivery, board governance, and working with legislation.

The section refers to Schedules 1 and 2, which contain more detail on the operations of the Council.

Clause 18 Functions and powers of Council

Paragraphs (1)(a)-(f) set out the main functions and powers of the Council.

(a) covers the key decision-making aspects, in relation to permits, Aboriginal heritage management plans (AHMPs) and Aboriginal heritage agreements.

(b) is a general advisory role, specifically noting its role in relation to significance.

(c) & (d) cover general roles in public education and information.

(e) covers the Council's role in advising the Minister, in areas where later provisions require the Minister to seek the advice of the Council.

(f), (g) & (h) allow formally for other powers and functions in any Act or in the Regulations.

(2) provides that the Council cannot hold real property. Real property is land and interests in land.

(3) specifies that the Council must perform its functions in accordance with the RMPS, and any of its functions 'forms part of' the RMPS' (see also s.3(d) above).

Clause 19 Delegation of Council functions and powers

This section provides the Council with a general power of delegation to members of Council, to committees (which have at least 1 Council member), and to the Secretary. This is essential for its practical operations. It will be able to delegate its more operational functions to the Secretary, who in turn may delegate them to others – in practical terms, this will mainly be used to enable Aboriginal Heritage Tasmania to undertake the necessary work to implement the Bill, as appropriate.

Clause 20 Council may delegate certain administrative or minor functions and powers

An important aid to efficiency will be having the Council pass responsibility for minor powers and functions to the Secretary. These are to be listed, and that will mean they are automatically taken to be delegated to the Secretary. The list may include cases where activities have minimal impacts on Aboriginal heritage, but still require permits, and where requiring the Council's attention would be unnecessary and inefficient. (It is expected that every exercise of such a delegation will be reported to the Council at each meeting.)

Clause 21 Power of Council to amend administrative processes

This section is also in aid of efficiency, and allows the Council to either waive minor procedural matters that it controls, or to make minor amendments to instruments that it issues or approves. It requires the Council to consult, or to act at the request of, affected parties, and is strictly confined to matters that will not have an adverse effect on Aboriginal heritage.

Clause 22 Committees

Another critical element in the efficient operation of the Council will be the ability to establish committees. This is likely to develop with experience. Committees could include people who are not Council members, such as for more technical issues; or could consist of Council members who (eg) meet more frequently than the Council itself, to undertake out-of-session work. The section refers to further detail in Schedule 3.

PART 5 – IDENTIFICATION OF ABORIGINAL HERITAGE**Clause 23 Person must report finding Aboriginal heritage**

Continues and updates the current obligation to report finds known, or reasonably believed, to be Aboriginal heritage. This obligation is qualified by minor exceptions, but the section also allows in (2)(c) for an Aboriginal person not to report a find if they believe, on reasonable grounds, that not reporting is the best way to protect the Aboriginal heritage from harm.

NOTE: this is the first case in the Bill of a continuing offence being created, with a maximum daily fine of one-fifth of the maximum fine for the main offence.

- Clause 24 Notification of potential Aboriginal heritage**
Allows the Secretary to notify a private landowner of the presence or likely presence of Aboriginal heritage on neighbouring land. This may alert landowners to the need to consider Aboriginal heritage if planning physical works.
- Clause 25 Rights if private land contains Aboriginal heritage**
Confirms that owners or occupiers with use rights on the surface of their land (including farmers) are entitled, despite the presence of Aboriginal heritage on that surface, to the continued use and enjoyment of the land. This is in line with similar provisions in the two most modern Australian Aboriginal heritage Acts, in Victoria and Queensland. See also s.40(2)(d) below.
- Clause 26 Registration of Aboriginal cultural heritage**
Provides that the process of registration will be as prescribed in the Regulations. This broad provision will allow for different approaches to the registration of different types of Aboriginal heritage, including by nomination and assessment. More generally, it ensures that all reported Aboriginal heritage is entered in the Register. See also s.97(4) and 130(2)(b)(v & vi), on Regulations.

PART 6 – PROTECTION OF ABORIGINAL HERITAGE

Division 1 – General

- Clause 27 Protection of Aboriginal heritage**
This section is introductory and summarises the various means by which Aboriginal heritage can be protected under the Act. This Division (ie sections 27 to 31) applies to all Aboriginal heritage, including if newly discovered (hence, whether registered or not, or known by Aboriginal people or not).
- Clause 28 Person must not harm Aboriginal heritage**
The key harm provision. It follows the current provisions in the AHA by having 2 main categories of offence (knowingly, and recklessly or negligently) and the same levels of maximum penalty. (A penalty unit is currently \$202, so 10,000 = \$2.02 million.) It also preserves the distinction between corporate and individual or small business offenders.

There is a new offence, though used elsewhere in Australia, for an action likely to harm Aboriginal heritage.

There are a number of defences, again largely reflecting (but modernising) elements already in the AHA, including ‘a necessary and proportionate response’ to emergency circumstances and acting in accordance with guidelines (see s.120) or with codes etc adopted under the Regulations (see s.130).

- Clause 29** **Sale of objects that resemble Aboriginal heritage objects**
 This offence is designed to help discourage a market in Aboriginal heritage objects, which encourages trafficking. The sale of replicas supports the market and also creates confusion about the authenticity of Aboriginal heritage generally. There is provision for exceptions.
- Clause 30** **Acquisition of Aboriginal heritage sites and Aboriginal heritage places**
 Provides for an unlikely but potentially important contingency. In limited circumstances – ie where Aboriginal heritage of exceptional significance, on private land, cannot be protected in any other way – land may be compulsorily acquired by the Minister. The Council is to be consulted first. Note that the expectation is that any such land would then be transferred to Aboriginal ownership, which would be done under different legislation (the *Crown Lands Act 1976* and the *Aboriginal Lands Act 1995*).
- Clause 31** **Certain activities may not be undertaken in certain areas**
 This section has two effects: first, to clarify that the Act does not apply to Macquarie Island; second, and much more important, it provides that no permit or management plan is to be issued on Aboriginal land unless that issue has been approved by the Aboriginal Land Council of Tasmania. This recognises the principle that the Land Council should have full rights over what happens on its own land and it would be incongruous for it to be subject to the decisions, on the key subject of Aboriginal heritage, of any other body.

Division 2 – Aboriginal heritage protection orders

- Clause 32** **Interim protection orders**
 Protection orders are designed for protection of Aboriginal heritage that is of exceptional significance, and which can be protected only by this means.

An interim protection order is designed as the first step to an enduring protection order – see (1)(c). The Minister is to consult

both the Council and any persons likely to be affected by such an order.

Clause 33 Enduring protection orders

An enduring protection order, again issued by the Minister, is intended to replace the inadequate and effectively unused ‘protected site’ provisions of the current AHA. Because the level of protection is so high, issuing, varying or revoking an enduring protection order requires approval by the Parliament (like reservations under the *Nature Conservation Act 2002* – see s.121 for the process). The issuing, varying or revoking of an enduring protection order also requires a minimum of 28 days of public consultation.

Clause 34 Form of protection orders

Specifies the formal requirements for a protection order. Provides that it may be issued on the Minister’s own initiative, or at the written request of the Council. The order is also to specify what (if any) protective measures are to be taken, and by whom.

Clause 35 Variation or revocation of protection orders

Provides that the Minister may by notice, on their own initiative or at the written request of the Council, or on the application of a person affected by the order, vary or revoke a protection order – subject to parliamentary approval, as noted.

Clause 36 Publication of protection orders

Mostly provides for the largely formal requirements around publishing the orders. Subsection (3) addresses the possibility that there may be an order that applies to a place whose location is preferably left secret, for its best protection.

Clause 37 Effect of protection orders

Clarifies that, to the extent of inconsistency, a protection order prevails over any other instrument affecting the land: ie, it does not void such instruments, but if it contains special provisions required for the protection of the land’s Aboriginal heritage values, those provisions will take precedence over anything inconsistent.

Clause 38 Contravention of protection orders

Provides that contravention of a protection order will be subject to a maximum penalty of the highest level used in the Act (up to 10,000 penalty units). It also provides a defence if the order was not published under s.36(3) and the person ‘did not know, and

could not reasonably have been expected to know' that they had contravened the order.

Clause 39 Naming of area as protected

This is similar to the intent of s.20 of the Nature Conservation Act, and is a protection against a false claim to the special status of being under a protection order.

Division 3 – Aboriginal heritage permits

Clause 40 Certain activities require permits

Establishes the basic requirement to have a permit to undertake 'permit activities' as defined in s.41. It also provides for certain exceptions, including for actions in response to emergency circumstances (as in s.28); and if the activity only disturbs ground already similarly disturbed, and such 'that it is not intended, and is not likely, to harm' Aboriginal heritage. This may apply to normal continued or 'like for like' activities, and can be considered to support and complement s.25.

Clause 41 Types of activities that require permits

This is a key list. Most of the activities here are currently covered in the AHA, but much less clearly. It is expected that (a) will be the most common, as it covers 'land activities' that may or will harm Aboriginal heritage. This would therefore cover most works that are below the thresholds for a management plan (see s.54 below) but where there is registered Aboriginal heritage, or where it is found.

The rest include 3 related to scientific works – (b), (e) and (f) – and the sale or removal from Tasmania of Aboriginal heritage – (c) and (d). There is specific provision at (g) for works intended to identify whether a management plan is 'required, or desired'. There is also a contingency – (h) – whereby other activities may be prescribed in the Regulations.

Clause 42 Applications for Aboriginal heritage permits

Provides in (1) that a 'person may apply to the Council' for a permit – establishing the point that permits are normally considered and determined by the Council. Note that the assumption is that potential proponents will seek advice first, to clarify what information they need to provide in an application.

Provides for the process, including consultation, as the Council advises. The Council is then to consider a core list of matters in (3), most critically to identify the 'nature and significance' of the Aboriginal heritage concerned, clarify the possible impacts on

Aboriginal heritage, and consider whether / how they can be minimised or mitigated.

Clause 43 Further information may be required for permit applications
As in other approval-based legislation, the Council may require further information. Any time that is needed to meet the request is not to be taken into account in relation to the timelines of this Act: ie this is a 'stop the clock' provision.

Clause 44 Determination of permit applications
Provides, first, that the Council may approve or refuse an application. Second, and importantly, it also provides for a default timeline of 42 days for the determination of the application, unless a further period has been agreed by the Council and the applicant.

In (3), a refusal by Council of a permit application is specified to be 'an administrative decision under section 128'. This is the first use of this phrase in the Bill, and is the way that decisions are indicated to be appealable.

Clause 45 Refusal of permit applications
Provides that, if the Council refuses an application, it must inform the applicant that they have a right of appeal. Also specifies that the Council must not approve applications in certain limited circumstances, including where a management plan is required, or s.30 of the *Burial and Cremation Act 2019* applies (ie on exhumation of any human remains, where the Director of Public Health must authorise any activity and set any conditions).

Clause 46 Failure to determine permit application
Addresses the (hopefully very rare) circumstance that the Council fails to meet the 42 day timeline, in which case the applicant may apply to the Minister. This is intended to cover cases of unintended admin error. The Minister has 30 days, though may refer the matter back to Council if confident it can make a decision 'within a reasonable period'. However, if the Minister then approves the application, the Council has no further role, and the Minister has all the functions and powers otherwise lying with the Council in relation to approved permits under the remainder of this Division.

Clause 47 Issue of Aboriginal heritage permits
The Council then issues the permit. Critically, it may be subject to conditions – (2)(b) – and it is then an offence to contravene such a condition, whether by the holder of the permit or another person

– (3) & (4). There is in (5) a right of appeal against such conditions.

Clause 48 Duration of Aboriginal heritage permits

Establishes a default duration of 3 years, but otherwise the duration is as specified in the permit. The holder may apply for, and the Council may grant, one further extension.

Clause 49 Variation of Aboriginal heritage permits

The Council may vary a permit, either on its own initiative if the variation is ‘minor or administrative’, or on the application of the holder. If the variation makes the permit more restrictive, or the Council refuses an application from the holder, the Council must give reasons and the holder has appeal rights. (Time to lodge an appeal is provided by the variation not coming into effect for 14 days, and the variation does not come into effect until any appeal is dealt with.)

Clause 50 Transfer of Aboriginal heritage permits

A permit holder may apply to the Council to transfer a permit, permanently or temporarily. The Council must consider whether the transfer has negative impacts, but otherwise, it is to approve the transfer. If it refuses the application, the Council must give reasons and the holder has appeal rights.

Clause 51 Suspension and cancellation of Aboriginal heritage permits

The Council may cancel or suspend a permit if it reasonably believes (among other things) that the holder has no need for, or has materially contravened the conditions of, the permit, or the permit activity ‘is having an unforeseen impact’ on Aboriginal heritage. The action takes effect either at once or on a specified later date. The Council must give reasons, and the holder has appeal rights (with a 14-day delay, as for s.49, and the variation does not come into effect until any appeal is dealt with).

Clause 52 Issue of replacement Aboriginal heritage permits

A contingency only; while it is standard practice to issue electronic instruments, these too may be damaged or lost.

Division 4 – Management plans

Subdivision 1 – Management plans generally

Clause 53 **Interpretation of Division**
 Defines the single term, used several times in Division 4, ‘heritage protection measures’.

Clause 54 **Certain land activities require management plans**
 Provides critical elements of the AHMP process.

First, in (1) it specifies 2 of the 3 pathways to an AHMP, being the 2 that are required: either (a) because the activity is in a class of activities prescribed in the Regulations as requiring a plan, or (b) because the Minister believes it is appropriate in light of the specific circumstances to impose the requirement – ie to ‘call in’ the project.

The thresholds to be prescribed are expected to include being a ‘level 2 activity’ under the *Environmental Management and Pollution Control Act 1994* (with appropriate exceptions), or a subdivision of more than a certain number of lots or a certain area, or a dam of more than a certain capacity or surface area.

Then provides in (2) for certain exemptions: under s.55 below, in emergency circumstances, or if in a class of activities prescribed in the Regulations as exempt.

Finally, specifies in (4) and (5) that if an AHMP is required, the proponent may not start work unless it has been approved; the low-impact preparatory work allowable without the approved plan is defined for this purpose. An offence is created to support this requirement.

Clause 55 **Exemption from requirement for approved management plans**

Allows the Council, on application by the proponent, to exempt an activity from the requirement for an AHMP in certain circumstances:

- First, in (2)(a), if the Council is satisfied that ‘in the circumstances there is no need for’ an AHMP. This is to allow discretion for cases where an activity meets a prescribed threshold for a mandatory plan, but is (eg) on reclaimed land, or land that has already been subject to a comprehensive and negative survey.

- Second, in (2)(b), if the Council is satisfied that the ground ‘has sustained significant ground disturbance’, which is then defined in (3); the concept has been used for some time in Victoria.

If the Council refuses to grant an exemption under this section, it must give reasons and there is a right of appeal.

**Clause
56**

Voluntary management plans

Allows the 3rd of the 3 pathways to an AHMP – voluntary plans. This can cater for proponents that see an advantage in a comprehensive plan for a project or ongoing activity, rather than having recourse to multiple one-off permit applications. This may be particularly useful for infrastructure providers and broadscale land managers.

Subdivision 2 – Preparation of management plans

**Clause
57**

Notification of intention to prepare management plans

Provides for the formal notification of intent to prepare an AHMP, which effectively ‘starts the clock’ in process terms. The notice is to be provided to the Council, with specified details; a simpler notice with only basic details is also to be given to the decision-maker for any other authorisation that the project may require, so they are aware of the need for approval under this Act.

The notice is not expected to be the first contact with the Council, as it will cover matters such as the methodology of the Aboriginal heritage assessment, and the proposed consultation. On such matters, early engagement with the Council will be useful.

In order to allow the proponent to undertake activities that are needed for preparation of the plan (ie beyond those already allowed under s.54(5) above), (4) provides that Council’s confirmation of receipt will be taken to be a permit authorising those activities.

**Clause
58**

Council may choose not to consider management plans

Provides for a case where it may be clear from the start that the Council will not be able to agree to an AHMP. In these circumstances, the Council may within 30 days notify the proponent and the Minister, giving reasons.

If the proponent nonetheless still wishes to prepare a management plan for consideration, they may then notify the Minister that they intend to apply to her or him under the provisions of s.66 & 67. If so, the Minister will issue advice or directions to the proponent and in due course may accept the application and consider the completed draft plan.

- Clause 59** **Preparation of management plans**
Clarifies that an AHMP may be prepared by the proponent or by someone on their behalf (eg a consultant). Specifies in (3) that the proponent must carry out an Aboriginal heritage assessment, and ‘make all reasonable efforts’ to remain in cooperative contact with the Council. Also specifies in (4) that ‘the Council is to make all reasonable efforts to consult and cooperate with the proponent’ (see also next). (5) covers the requirements for proponents applying to the Minister.
- Clause 60** **Form and content of management plans**
Sets out the basic requirements for an AHMP, including that it specifies the results of the Aboriginal heritage assessment, the ‘known and likely impacts’ of the activity, and the heritage protection measures to be taken.

Importantly, and complementing s.59, it is specified in (3) that the plan is to be ‘prepared in good faith by the proponent’ and ‘considered in good faith by the Council’ or (where applicable) the Minister.
- Clause 61** **Change in proponent during preparation of management plan**
Allows for a change of proponent without affecting the requirements on the new proponent (beyond informing the Council or the Minister), unless ‘the nature, or scale’ of the activity also changes.
- Clause 62** **Council may request reasons to continue with management plan preparations**
Allows the Council to ask a proponent to show cause as to why the Council should continue to engage if no contact has been made with the Council within a year of the notice of intent. This is to avoid time and effort being wasted on inactive projects.

Clause 63 Council may withdraw from management plan preparations

Provides for the possibility that at some time during the preparation of a plan, the Council may decide it cannot continue the process (such as in the case of an irreparable breakdown in the relationship with the proponent). The Council must provide its reasons. It is then to refer the proposed management plan and all relevant documents to the Minister, who may consider it under s.67.

Clause 64 Discontinuation of management plan preparations

Simple provision for the Council to be informed of a project's discontinuation, and providing its right to request documents.

Subdivision 3 – Approval of management plans

Clause 65 Council approval of draft management plans

Provides in (1)-(6) for the normal process. Allows a 42-day period (extendable by agreement) from receipt by Council of the finalised draft, during which 'the proponent and Council must make all reasonable efforts to reach agreement' on the key matters. (Note that if s.59 & 60 have been followed, the plan may be effectively pre-agreed.)

(3) sets out the key criteria for Council's approval, including that the plan 'provides for the relevant land activity to be carried out in a way that avoids, or minimises as much as possible, harm' to Aboriginal heritage, and 'makes satisfactory provision for the protection and management of any Aboriginal heritage likely to be affected'. Under (4), if Council and the proponent 'reach agreement on the matters specified in subsection (3)', the Council 'is to approve the plan' and, under (6), to provide a copy of its approval to the proponent.

Subsection (5) provides that Council must not approve a plan prepared materially contrary to the provisions of the Act.

However, under (7) if the Council and proponent fail to reach such agreement the proponent may apply to the Minister (see next 2 sections).

Clause 66 Applications for Minister to approve management plans

This applies to applications under s.58 or 65(7). (No application is needed if the proposal comes to the Minister under s.63, since relevant material is simply passed to the

Minister.) In considering the application the Minister is to take into account the reasons given, if the Council has chosen not to consider the plan under s.58, and may consult or require the proponent to consult as the Minister considers appropriate.

**Clause
67**

Minister may approve management plans

(Note that the power to approve or refuse management plans is one that the Minister may not delegate: see s.119(1)(h).)

Sets out in (2) the matters that the Minister must consider. They repeat those applicable to the Council in s.65(3) regarding the avoidance or minimisation of harm etc, and also include the reasons or representations provided by the Council. If possible the decision should be within 30 days, or within an agreed further period. Under (4), the Council must be given the opportunity 'to provide feedback or comment'.

Under subsections (7) – (9), if the Minister refuses to approve, the proponent has a right of appeal. Whatever the decision, the Minister is to publish the reasons for it.

Subdivision 4 – Operation of approved management plans

**Clause
68**

Commencement of approved management plans

A plan commences either when approved or on a date specified in the plan.

**Clause
69**

Effect of approved management plans

Provides for the obligations on those implementing an approved plan. Creates offences, with significant maximum penalties, for non-compliance and for taking (or causing someone else to take) actions that contravene or negate a plan.

**Clause
70**

Variation of approved management plans

The Council may vary a plan, but only in limited circumstances: either if the change is 'minor or administrative', on its own initiative (in any case); or on the application of the proponent. Variation is also the means by which there may be a change of proponent.

In considering any variation, the Council is to consult the proponent. Further, if the proponent disagrees with a variation, they have a right of appeal. More importantly, they

may also appeal if they apply for a variation that the Council refuses to make. In both cases the Council must give its reasons. (See also s.71(3) & (4).)

Clause 71 **Minister may approve variation of management plans in certain circumstances**

Provides for the Minister to vary a management plan that they have approved it, in a process that largely mirrors that for the Council in s.70. In considering a variation, the Minister must consult the Council as well as the proponent. If the variation is on the Minister's own account, or if the Minister refuses to vary on the application of the proponent, they must give reasons and there are appeal rights.

Clause 72 **Cessation of approved management plans &c.**

Provides cessation times to cover a range of circumstances, including: completion of the activity and implementation of all heritage protection measures; if the activity is not commenced within 3 years (though this is extendable by agreement with the approver of the plan); abandonment of the project; death or entry into administration of the proponent.

Importantly, to provide for longer-term plans, such as those potentially entered into by infrastructure providers, (2) provides for plans that may remain in force until revoked by either party. Under (3), plans approved by the Minister may not have a life exceeding 10 years.

(4) and (5) provide that the Council may revoke a plan if satisfied that the proponent has been convicted of an offence under s.69(2) or (3). The Council is first to allow the proponent to make submissions.

Division 5 – Audits of land activities

Clause 73 **Interpretation of Division**

The purpose of this clause is to define the terms 'authorised activity' (ie under a permit or management plan), 'relevant approval', and 'responsible person', in relation to this Division.

Clause 74 **Power of Minister to order audits of certain activities**

Provides for the Minister to order audits in relation to authorised activities under certain circumstances, including suspected non-compliance, approval based on false or

misleading information, or a changed understanding of the impact of the activity on Aboriginal heritage.

If the Minister issues an audit order, under (3) they must also issue a stop order for the authorised activity. This is an appealable decision, and the stop order is of no effect while the appeal is under way.

- Clause 75** **Audit orders**
 Specifies certain information which needs to be in the audit order, including which authorised officer is to undertake it, and provides for the services of a particular consultant to be engaged. Also sets out the procedural requirements to be followed upon issue of the order. Under (4), an order may not 'either directly or indirectly' require the making of 'a particular finding'.
- Clause 76** **Conduct of audits**
 Requires authorised officers to carry out audits in accordance with the audit order, and provides for them to have such powers as are reasonably necessary in carrying out the audit.
- Clause 77** **Audit reports**
 Sets out the reporting requirements in relation to an audit order, including providing for recommendations to be made in relation to the authorised activity.
- Clause 78** **Approval or rejection of audit reports**
 Requires the Minister to either approve or reject the audit report. (3) provides that the Minister 'is not entitled to reject an audit report solely' because they do 'not agree with its findings or recommendations' (see also s.80(3)).
- Clause 79** **Actions following approval of audit reports**
 Sets out procedural requirements following approval of an audit report. Provides for the Minister to implement recommendations contained in the report if they relate to an approval issued by the Minister. If they relate to an approval issued by the Council, it may implement or refuse to implement the recommendations, and if refusing, is to give reasons to the Minister.

- Clause 80 Action following rejection of audit reports**
Sets out actions that the Minister may take upon rejecting an audit report, and related procedural requirements. Under (3) the Minister is to provide reasons.
- Clause 81 Effect of stop orders on audits**
Provides for actions taken in accordance with audit orders or reports to be undertaken without contravening any stop order (ie including the stop order issued under s.74(3)).

PART 7 – STOP ORDERS

- Clause 82 Interpretation of Part**
Defines ‘stop’ in relation to Part 7. (Note that the roles of the Minister and Secretary in this Part may all be delegated to the appropriate level.)
- Clause 83 Minister may stop land activities in certain circumstances**
Provides for the Minister to stop land activities if an audit order is issued, or if satisfied that the activity contravenes the Act, or ‘believes on reasonable grounds’ it is harming Aboriginal heritage. It may be issued on the Minister’s own initiative or at the written request of the Council.
- Clause 84 Minister may stop permit activities in certain circumstances**
Provides for the Minister to stop a permit activity (ie as listed in s.41, noting that land activities are already covered by s.83) if satisfied that the activity contravenes the Act or is harming Aboriginal heritage. Procedural requirements are also specified.
- Clause 85 Power to make interim stop orders for land activities**
Provides for the Secretary or an authorised officer to require a person to stop a land activity temporarily, if he or she reasonably believes that the activity contravenes the Act or is harming Aboriginal heritage, and it is ‘not possible or expedient to refer the matter to the Minister’. Procedural requirements are also specified.

- Clause 86** **Power to make interim stop orders for permit activities**
Provides for the Secretary or an authorised officer to require a person to stop a permit activity (see s.84) temporarily, if he or she reasonably believes that the activity contravenes the Act or is harming Aboriginal heritage, and it is not possible to refer the matter to the Minister. Procedural requirements are also specified.
- Clause 87** **Form and content of stop orders and interim stop orders**
Sets out the required form of, and information included in, stop orders and interim stop orders. The orders must identify the Aboriginal heritage concerned and clearly identify the area of land to which they apply (ie so they do not apply inappropriately to whole project areas).
- Clause 88** **Duration of stop orders and interim stop orders**
Provides for a stop order to be in force for a maximum of 30 days (unless related to an audit order, when it lasts until that is complete – but see also s.90), and for interim stop orders to be in force for a maximum of 48 hours. If the order is subject to an appeal, it is of no effect while the appeal is ongoing.
- Clause 89** **Service of stop orders and interim stop orders**
Specifies the procedural requirements for serving stop orders and interim stop orders.
- Clause 90** **Extension of stop orders**
Provides for stop orders to be extended for one further period of up to 14 days (so, up to 44 days in total). Specifies that an interim stop order may not be extended (so 48 hours in total).
- Clause 91** **Revocation of stop orders and interim stop orders**
Provides for a stop order to be revoked by the Minister and an interim stop order to be revoked by the Minister, the Secretary or the authorised office who issued it. Revocation may be on the application of the person served with the order. Also specifies procedural requirements.
- Clause 92** **Contravention of stop orders and interim stop orders**
Makes it an offence to contravene a stop order or interim stop order. The highest maximum penalties are attached (ie as for s.28 etc) and there is also a daily penalty for continuing offences.

PART 8 – ABORIGINAL HERITAGE AGREEMENTS

- Clause 93** **Power of Council to enter into Aboriginal heritage agreements**
The Council has the power to enter into Aboriginal heritage agreements. Agreements may be used to make arrangements to protect or manage Aboriginal heritage, but cannot provide permission to harm that heritage. For example, an agreement might be used to provide access to an Aboriginal site by Aboriginal people or to rehabilitate an Aboriginal heritage site, object or place. Agreements would not attach to the land and would not apply to future owners of the land.
- Clause 94** **Parties to Aboriginal cultural heritage agreements**
The Council would always be a party to an Agreement, on behalf of the Aboriginal community. If the Agreement relates to land, the owner of the land must also be a party. In the case of Crown land, the relevant party is the Minister administering the *Crown Lands Act 1976*.
- Clause 95** **Form and duration of agreements**
An Agreement is to be in a form approved by the Council. If it relates to land, it must contain a description or map of the boundaries of the land. The Council may terminate an Agreement if it is satisfied that a party is in breach of the Agreement. An Agreement relating to land is terminated on the sale of the land.
- Clause 96** **Variation of agreements**
Provides for Agreements to be varied by agreement between the parties.

PART 9 – ABORIGINAL HERITAGE REGISTER

- Clause 97** **Aboriginal Heritage Register**
Provides for the Secretary to keep a register of relevant information on Aboriginal heritage. Identifies certain items that are to be entered into the register, including authorities (ie permits and AHMPs) and management and enforcement mechanisms. It requires in (3) consideration of ‘the recommendations of the Council’, and ‘any relevant

registration criteria, Ministerial guidelines and guidelines issued under section 98(3) – see below.

(4) clarifies that the Regulations may provide for many relevant registration processes, including nomination and assessment requirements, and whether ministerial or parliamentary approval is required for registration. They are expected in practice to provide much of the relevant detail.

Clause 98 **Access to the Register**
Provides for the Council to access the Register in performing its responsibilities, and for the Secretary to grant access to certain others at any time: the Minister, courts (where relevant), law enforcement agencies, and State servants maintaining the Register.

(3) and (4) provide that other access provisions are to be covered in guidelines that the Secretary is to establish ‘in consultation with the Council’, and that these may also preserve some information from public access. (5) provides a broad power for the Regulations to prescribe who may apply for access, and how.

Clause 99 **Application of *Right to Information Act 2009***
This provision clarifies that information in the Register is not subject to the RTI Act. Sensitive information would probably be protected anyway, with some effort, but it is considered better in principle to exclude the Register from the RTI Act, leaving access to it governed only by s.98.

PART 10 – ENFORCEMENT [NOTE: these are largely standard provisions, similar to those in other modern legislation]

Division 1 – General

Clause 100 **Application of Part**
Provides that a power under Part 10 does not generally apply on Aboriginal land unless the Aboriginal Land Council has approved the exercise of the power.

Clause 101 **Authorised officers**
The Secretary may appoint authorised officers ‘for the purposes of this Act’. Police officers are also authorised officers by virtue of their office (see definition in s.11). Authorised officers are to be issued with an identity card

and to produce the identity card ‘as soon as practicable’ after being requested to. If the authorised officer is also a police officer, they may produce other identifying details.

Division 2 – Powers of authorised officers

- Clause 102** **Power of search and entry**
Sets out powers of authorised officers in carrying out their responsibilities, including entering and searching premises and vehicles, requiring a person to give assistance, and examining and taking copies of documents relating to Aboriginal heritage. Where a premises is being used as a principal residence, authorised officers need either the permission of the occupant or a warrant to enter the premises.
- Clause 103** **Power to require information**
Gives authorised officers the power to request information or documents relevant to the authorised officers’ powers and functions, and creates an offence for refusal of such a request.
- Clause 104** **Power to require name and address**
Where an authorised officer suspects a person has committed an offence against the Act, the authorised officer may require that person to state their name and address (a very common power). Includes penalties for non-compliance.
- Clause 105** **Power to require disclosure of location of Aboriginal heritage**
Gives authorised officers the power to require a person to disclose the location of an item, object or place, where they reasonably believe such items to be Aboriginal heritage that is not registered, and needs to be in order to be protected. Also includes a penalty for non-compliance and defence provisions. These include a specific defence in (3)(c) for Aboriginal persons who reasonably believe that non-disclosure is the best way to protect the Aboriginal heritage from harm.
- Clause 106** **Power of seizure**
Gives authorised officers the power to seize Aboriginal heritage objects, documents issued under the Act, and other items, where the authorised officer reasonably

believes that an offence has been committed under the Act, to which the item is relevant.

Clause 107 **Dealing with objects, documents or things seized**
Specifies the processes required in relation to seized items, including their custody (with the Council in the case of Aboriginal heritage items), their possible return (including if no proceedings are commenced within 3 years), and court-ordered destruction or forfeiture.

Clause 108 **Power to require persons to leave protected places**
Gives authorised officers the power to require a person to leave a registered Aboriginal heritage site, an Aboriginal heritage place, or an area where a protection or stop order is in force, if the authorised officer reasonably suspects that the person is committing, has committed, or is about to commit, an offence against the Act. Includes a penalty for non-compliance.

Clause 109 **Power of arrest**
First, defines an ‘endorsed authorised officer’: ie a police officer, or an authorised officer who is also empowered under other legislation to use powers of arrest (which may include NRE employees authorised under this Act). Then provides them with the power to arrest a person without warrant if the officer suspects certain offences against the Act have been, are being, or are about to be committed.

Division 3 – Offences relating to authorised officers

Clause 110 **Person must comply with request of authorised officer**
Makes non-compliance with a request from an authorised officer, without reasonable excuse, an offence.

Clause 111 **Obstruction of authorised officers**
Creates an offence for actions including obstruction of, or attempts to intimidate or improperly influence, an authorised officer in the performance of their functions.

Clause 112 **Assault of authorised officer**
Creates an offence for assaulting, abusing or threatening an authorised officer, or someone assisting them.

Clause 113 **False and misleading statements**
 Makes it an offence for a person to give a false or misleading statement.

Division 4 – Offences generally

Clause 114 **Infringement notices**
 Defines an ‘infringement offence’ for the purposes of the Act. The offences will be prescribed in the Regulations. Provides for authorised officers to issue infringement notices and under what circumstances. They may not relate to more than 3 offences, or be served on a person under 18 years old.

Clause 115 **Offences by employees or agents**
 If an employee commits an offence, the employer is taken to have committed the same offence. There are defences for employers where due diligence has been undertaken and where the defendant did not know that the offence was to be committed; and for employees if they were acting under direction and could not reasonably have known an offence would result.

Clause 116 **Offences by bodies corporate**
 Governance members of bodies corporate are to be held responsible for offences committed by the body corporate if they ‘knowingly or negligently authorised or permitted the contravention’.

Clause 117 **Presumption of state of mind**
 Standard inclusion to make clear that it is not necessary for the prosecution to prove any intention or state of mind in establishing that an offence has been committed. This is ‘unless otherwise specified’, so does not apply to offences defined by reference to knowing certain matters, or acting recklessly or negligently.

Clause 118 **Time for instituting proceedings**
 Specifies that proceedings for offences under the Act must be commenced within 3 years of evidence coming to the attention of an authorised officer (it is currently 2 years, under the AHA). This means that a complaint or indictment must be filed in a relevant court within 3 years after the first evidence came to the attention of an authorised officer.

PART 11 - MISCELLANEOUS

- Clause 119** **Delegation**
Provides for most of the Minister's and Secretary's responsibilities and functions under the Act to be able to be delegated, with specified and important exceptions in the case of the Minister (including appointments to the Council and approval or refusal of management plans). This allows efficient functioning and implementation of the Act.
- Clause 120** **Ministerial guidelines**
Provides for guidelines to be issued. Guidelines are a flexible and adaptive statutory instrument. Guidelines under the Act are expected to provide details such as differing levels of assessment of Aboriginal heritage, and to provide information on the engagement and use of Aboriginal heritage consultants and other experts.

The process of making guidelines requires consultation with the Council, followed by public consultation for at least 4 weeks.
- Clause 121** **Approval by Parliament**
Provides the process to apply if any instrument under this Act needs the approval of Parliament. (At the moment this covers only the issue etc of an enduring protection order, under s.33(5), but in due course is expected to apply also to the approval of a cultural landscape under the Regulations.) The process allows up to 10 sitting days for a deemed approval, but the expectation is that such approval would be sought by a motion on behalf of the Government.
- Clause 122** **Effect of destruction of certain Aboriginal cultural heritage**
Clarifies that if an object or area is destroyed in accordance with an Aboriginal heritage permit or management plan, it ceases to be Aboriginal heritage.
- Clause 123** **Recovery of certain costs**
Allows the Secretary to charge a person a fee for an action undertaken by the Department, or an authorised officer, but only an amount necessary to cover reasonable costs. This therefore refers to one-off circumstances, not the standard fees raised under the Regulations: see 130(2)(a).

- Clause 124** **Certain money to be used for the purposes of this Act**
Addresses the long-standing desire of Tasmanian Aboriginal people that normal fees, and especially fines (including under infringement notices), raised under the legislation should be dedicated to the benefit of Aboriginal heritage. Fines will be unpredictable and possibly rare, but the proceeds could usefully be applied to projects providing (eg) research, protective works, interpretation and so on. The Minister must consult the Council on the use of such funds.
- Clause 125** **Service of notices**
Formal. Sets out required processes for service of notices.
- Clause 126** **Protection from liability**
Intended to protect a member of the Council or other person from personal liability when carrying out, in good faith, their functions or responsibilities under the Act.
- Clause 127** **Application procedures generally**
Sets out required processes for applications made under the Act. Also includes grounds for refusing to accept applications (eg materially non-compliant, or repeating a previously refused application).
- Clause 128** **Waiver and refund of fees**
Provides for fees or charges under the Act to be waived or refunded, in full or in part.
- Clause 129** **Appeals**
'Administrative decisions' may be appealed to the Tasmanian Civil and Administrative Tribunal, within 14 days after the applicant is notified of the administrative decision to which the appeal relates. These are decisions where the existence of a right of appeal is either (for the most significant instances) provided explicitly in the Act, or is prescribed in the Regulations.
- Appeals will be on process and natural justice grounds, rather than seeking to have TASCAT reconsider the decision afresh, on its merits.

- Clause 130** **Regulations**
Provides for the Governor to make regulations for the purposes of the Act. They will include details not appropriate for the Act, and which are suitable for the somewhat easier process of making and amending Regulations – although they still require parliamentary scrutiny.
- They may cover a broad range of matters, including: the setting of fees; registration of Aboriginal heritage (a very important mechanism, as it will make clear the different processes required to recognise and register different sorts of Aboriginal heritage); additional appealable decisions; exemptions; setting of offences and penalties for contraventions of provisions in the Regulations (to a maximum of 50 penalty units); and savings and transitional matters. Others (such as specifying infringement notice offences and penalties under s.114) are provided for in the relevant sections.
- They may also adopt external codes, standards or guidelines, as now under s.21A of the AHA (see also Schedule 4, cl.5).
- Clause 131** **Status of certain instruments under Act**
Legal clarification only.
- Clause 132** **Review of Act**
A statutory review will be required by 5 years after commencement, with its report tabled in Parliament.
- Clause 133** **Administration of Act**
Identifies the Minister and government department initially responsible for administration of the Act (the Minister for Aboriginal Affairs and the Department of Natural Resources and Environment Tasmania).
- Clause 134** **Savings and transitional provisions**
Provides the head of power for the transition between the current AHA and the new legislation (actual details of savings and transitional provisions are then given in Schedule 4).

Clause 135	Legislation repealed Provides for repeal of the current AHA (the sole Act listed in Schedule 5).
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[NOTE – each Schedule refers to a provision in the Bill, shown in [] after the title]

SCHEDULE 1 – MEMBERSHIP OF COUNCIL [s.17(5)]

Covers the normal and mainly formal matters dealt with in statutory bodies of this sort. Specific provisions include:

- Members appointed for up to three 3-year terms (2)
- Grounds for removal include absence from 3 consecutive meetings without permission of other members (6(2)(a)) and failure to declare a significant pecuniary interest (6(2)(c))
- On vacancy, a replacement may be appointed for the remainder of a member's term (6(3))

SCHEDULE 2 – MEETINGS OF COUNCIL [s.17(6)]

Also largely standard provisions. Specific provisions include:

- Council to meet at least 10 times a year (2(4))
- A quorum is a majority of members – ie if there are 7 or 6 appointed members, quorum is 4; if 5, quorum is 3. The quorum cannot be less than 3 at any meeting.

SCHEDULE 3 – COUNCIL COMMITTEES [s.22]

Brief, and also mainly standard provisions. Flexible on membership – Council may appoint committees of any size, and although they must contain at least 1 Council member, there is no fixed proportion (1).

SCHEDULE 4 – SAVINGS AND TRANSITIONAL PROVISIONS [s.133]

[NOTE – these are provisional at this stage. There will be a need to develop a comprehensive set in due course, to ensure fair and efficient transition from the current AHA and its procedures to the new Act (including matters such as incomplete permit processes, or legal proceedings).] The Bill's current contents indicate some matters expected to be covered, including:

- If the new Aboriginal Cultural Heritage Council has not been appointed, the continuation of the former Aboriginal Heritage Council (a contingency only, not expected to be needed)
- The continuation of permits issued under the AHA, under the same terms and conditions

- The continuation, if necessary, of the codes etc adopted under the AH (also only a contingency)
- Reporting of privately held Aboriginal heritage objects, for registration (note that collections reported in the period after the Relics Act was first commenced in 1976 (under s.10(1) – still part of the current Act) were not included in the Register as it developed over the decades.)

SCHEDULE 5 – LEGISLATION REPEALED [s.138]

At this stage, only the AHA is intended to be repealed.

Consultation Draft

TASMANIA

ABORIGINAL HERITAGE BILL 2026

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ABORIGINAL HERITAGE BILL 2026

*(Brought in by the Minister for Aboriginal Affairs, the
Honourable Bridget Kathleen Archer)*

A BILL FOR

An Act to provide for the recognition, protection and management of Aboriginal heritage, to establish the Aboriginal Heritage Council and to repeal the *Aboriginal Heritage Act 1975*

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

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Aboriginal Heritage Act 2026*.

2. Commencement

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

3. Objects and principles

The objects and principles of this Act are –

- (a) to recognise and protect Aboriginal heritage; and

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- (b) to recognise that Aboriginal people are the primary custodians and knowledge holders of Aboriginal heritage; and
- (c) to ensure that it is the Tasmanian Aboriginal people who are primarily in control of the protection and management of Aboriginal heritage; and
- (d) to provide for the protection and management of Aboriginal heritage as an integral part of the resource management and planning system as set out in Schedule 1 to the *Land Use Planning and Approvals Act 1993*; and
- (e) to promote public awareness, understanding and appreciation of, and respect for, Aboriginal heritage.

4. Act does not affect operation of certain other Acts

For the avoidance of doubt, nothing in this Act –

- (a) affects the operation of the *Burial and Cremation Act 2019*, the *Coroners Act 1995* or the *Human Tissue Act 1985*; or
- (b) replaces or removes a requirement under any other Act to obtain an approval, permit, licence or other authorisation under that Act; or
- (c) removes a requirement, under any Act, to take into account the objectives of the resource management and planning

system, and the planning process, as set out in Schedule 1 to the *Land Use Planning and Approvals Act 1993*.

5. Extraterritorial operation of Act

It is the intention of Parliament that the operation of this Act should, so far as is possible, operate in relation to each of the following:

- (a) persons, areas or things situated outside Tasmania, whether in or outside Australia;
- (b) acts, transactions and matters done, entered into and occurring outside Tasmania, whether in or outside Australia;
- (c) persons, areas, things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of the Commonwealth, another State or a Territory or a foreign country.

6. Non-application of Act

- (1) Subject to subsection (2), this Act does not apply to a land activity if –
 - (a) the land activity is –
 - (i) prescribed as a land activity to which this Act does not apply; or

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- (ii) an activity of a class of activities prescribed as a land activity to which this Act does not apply; or
- (b) the land activity solely involves travelling on, over or under an area –
 - (i) as permitted under an easement, or covenant or right of way, that relates to the area; and
 - (ii) for the purpose of constructing, installing, altering, replacing, maintaining, repairing, refurbishing, demolishing or removing service infrastructure on the area; or
- (c) the land activity consists solely of the carrying out of works that are –
 - (i) necessary works of a minor nature; and
 - (ii) incidental to an activity that is specified in paragraph (a) or (b).

(2) This Act applies to a land activity specified in subsection (1) if –

- (a) the land activity –
 - (i) is being carried out in an area that is Aboriginal heritage; and
 - (ii) has, or is reasonably likely to have, more than a temporary

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impact on the Aboriginal heritage; or

(b) while the land activity is being carried out, unforeseen Aboriginal heritage is found.

(3) For the purposes of this section –

service infrastructure means –

(a) infrastructure required for –

(i) communications; or

(ii) electricity, gas or water supplies; or

(iii) sewers or drains; or

(b) a building, structure, road, tower or other thing prescribed to be service infrastructure.

7. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

**PART 2 – RECOGNITION OF CONNECTION TO
COUNTRY**

8. Acknowledgement of custodians of Aboriginal heritage

This Act is an acknowledgement that –

- (a) Aboriginal heritage is an integral part of the world’s oldest living culture; and
- (b) Aboriginal people are the spiritual custodians of Aboriginal heritage within the State; and
- (c) as far as practicable, Aboriginal heritage should be in the custody of Aboriginal people; and
- (d) Aboriginal heritage that is in the custody of the State should be protected by the State while in its custody.

9. Traditions of the Aboriginal people

This Act acknowledges that Aboriginal heritage may include, or exist in connection with, the traditions of the Aboriginal people such as –

- (a) the body of traditions, knowledge, observances, customs and beliefs of Aboriginal persons generally or of a particular group of Aboriginal persons; and

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- (b) any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships.

10. Traditional use

- (1) Nothing in this Act is intended to be construed in a manner –
 - (a) so as to take away or restrict any right or interest held or enjoyed by Aboriginal persons generally, or by a particular group of Aboriginal persons, in respect of Aboriginal heritage so long as the use of the Aboriginal heritage is not contrary to the Aboriginal traditions that are relevant to the heritage; or
 - (b) so as to require any Aboriginal person to disclose information, or to otherwise act, contrary to any relevant Aboriginal customary law or tradition.
- (2) Despite subsection (1), this section does not authorise a person, or group of persons, to dispose of or exercise any right or interest, or any purported right or interest, in a manner that is, or appears to be, detrimental to the purposes of this Act.
- (3) Unless otherwise specifically authorised, nothing in this Act is intended to give a right of access for Aboriginal people to an area –

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Part 2 – Recognition of Connection to Country

- (a) for the purpose of traditional use of the area; or
- (b) on which Aboriginal heritage has been, or is likely to be, found, regardless of whether the access to the area is for the purpose of traditional use of the heritage.

Consultation Draft

PART 3 – INTERPRETATION

11. Interpretation

(1) In this Act –

Aboriginal heritage includes –

- (a) Aboriginal heritage objects where the object –
 - (i) is registered; or
 - (ii) is held as part of a private collection or public collection; and
- (b) Aboriginal heritage places; and
- (c) Aboriginal heritage sites, whether registered or not; and
- (d) Aboriginal human remains; and
- (e) an area of Tasmania that is registered as a cultural landscape; and
- (f) any other thing that is prescribed for the purposes of this definition;

Aboriginal heritage agreement means an agreement entered into by the Council under Part 8;

Aboriginal heritage assessment, in relation to a management plan or an Aboriginal heritage permit, means an assessment to

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determine the nature, extent and significance of Aboriginal heritage to which the plan or permit is to relate;

Aboriginal heritage object means an item, object or other thing that –

- (a) was made, adapted or used by an Aboriginal person; and
- (b) is of significance to the Tasmanian Aboriginal people; and
- (c) is not an object excluded from this definition by virtue of section 15;

Aboriginal heritage permit means a permit issued under Part 6;

Aboriginal heritage place means an area of Tasmania that –

- (a) has significance to the Tasmanian Aboriginal people; and
- (b) is registered as an Aboriginal heritage place; and
- (c) may include, but is not required to include an Aboriginal heritage site;

Aboriginal heritage site means an area of Tasmania if –

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- (a) the area includes, and immediately surrounds, one or more of the following objects that were used by Aboriginal persons during the occupation of that area:
- (i) an artefact or a scatter of a number of such artefacts;
 - (ii) a quarry, rock shelter, rock markings or other stone arrangements;
 - (iii) a hut depression, midden, lunette or scar tree or other physical evidence of Aboriginal occupation of the area;
 - (iv) an item of a prescribed class of items; and
- (b) the area includes more than one object specified in paragraph (a), and the surrounding area, if the separation of the objects into multiple sites would diminish or destroy the significance of the area to the Tasmanian Aboriginal people; and
- (c) the object specified in paragraph (a), that is within the area, is able to be assessed using historical, archaeological or scientific techniques; and

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- (d) the area, or the object, is of significance to the Tasmanian Aboriginal people;

Aboriginal human remains – see section 12;

Aboriginal land has the same meaning as in the *Aboriginal Lands Act 1995*;

Aboriginal Land Council means the Aboriginal Land Council of Tasmania established by the *Aboriginal Lands Act 1995*;

Aboriginal person has the same meaning as in the *Aboriginal Lands Act 1995*;

Aboriginal tradition – see section 9;

action includes the refusal to take an action;

approved management plan means a management plan approved under Subdivision 3 of Division 4 of Part 6;

area includes –

- (a) an area of land or water including, but not limited to –
- (i) the water that may cover such an area of land; and
 - (ii) the land that may cover such an area of water; and

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- (b) a building, or other structure or fixture, that is permanently affixed within an area;

audit, in relation to land activities, means an audit carried out under Division 5 of Part 6;

audit order means an order issued under section 74;

audit report means a report prepared, and given to the Minister, under section 77;

authorised officer means –

- (a) a person appointed to be an authorised officer under section 101; or
- (b) a police officer;

Council means the Aboriginal Heritage Council established by section 16;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

cultural landscape means an area of Tasmania that –

- (a) may include, but is not required to include –
- (i) an Aboriginal heritage place or Aboriginal heritage site; and

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(ii) an archaeological feature or deposit or a natural feature or formation; and

(iii) an area that shows evidence of Aboriginal occupation of the area; and

(iv) an area where the Tasmanian Aboriginal people have a strong cultural association with the area; and

(b) is of significance to the Tasmanian Aboriginal people; and

(c) is assessed, in the prescribed manner, and entered into the Register as a cultural landscape;

development has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

enduring protection order means an order issued under section 33 as an enduring protection order;

harm – see section 13;

in, in relation to an object, area or vehicle, includes on the object, area or vehicle;

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interim protection order means an order issued under section 32 as an interim protection order;

interim stop order means an order issued under section 85 or 86;

land activity, in relation to an area, means any development or use of the area, regardless of whether the activity is also regulated under another Act;

magistrate has the same meaning as in the *Magistrates Court Act 1987*;

management plan, in respect of land activity, means a plan prepared under Division 4 of Part 6;

member of the Council includes the person appointed under section 17(4) as the chairperson of the Council;

Ministerial guidelines means guidelines issued by the Minister under section 120;

owner, in relation to an area, has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

permit activity, in relation to Aboriginal heritage, means an activity specified in section 41;

premises includes a part of premises;

proponent, in relation to a land activity, means the person on whose behalf the

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land activity is being, or is to be, undertaken;

protection order includes an interim protection order and an enduring protection order;

Register means the Aboriginal Heritage Register established, and maintained, under Part 9;

registered, in relation to Aboriginal heritage, means Aboriginal heritage that –

- (a) has been entered in the Register –
 - (i) under section 26 or 97; or
 - (ii) as a result of a prescribed application, nomination or assessment process; or
- (b) is the subject of an application or nomination, for entry in the Register, that has not been determined or withdrawn; or
- (c) is the subject of an assessment, for entry in the Register, that has not been completed;

regulations means the regulations made under this Act;

relevant land activity, in relation to a management plan, stop order or interim stop order, means the land activity in respect of which the relevant plan has

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been prepared or the relevant order has been issued;

responsibilities includes functions, powers and duties;

Secretary means the Secretary of the Department;

sell includes –

- (a) to dispose of by sale, barter or exchange; and
- (b) to agree, or offer, to dispose of by sale, barter or exchange; and
- (c) to consign, or to have custody of on consignment, for the purposes of sale, barter or exchange; and
- (d) to advertise, or expose, for the purposes of sale, barter or exchange;

significance – see section 14;

small business entity has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth;

State servant means a State Service officer or State Service employee;

stop order means an order issued under Part 7;

Valuer-General means the person for the time being holding, or acting in, the office

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Part 3 – Interpretation

referred to in section 5 of the *Valuation of Land Act 2001*.

- (2) In this Act, a reference to Tasmania, or the State, is taken to include a reference to Tasmania's coastal waters.

12. Meaning of *Aboriginal human remains*

- (1) In this Act –

Aboriginal human remains means the whole or any part of a deceased person who is recognised by the Tasmanian Aboriginal people as having been an Aboriginal person, other than –

- (a) human remains or cremated remains that are buried, or otherwise interred, in accordance with the *Burial and Cremation Act 2019*; and
- (b) 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; and
- (c) any human tissue lawfully removed, with consent, from the Aboriginal person.

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- (2) If there is a dispute as to whether a deceased person is recognised as having been an Aboriginal person for the purposes of this section, the dispute is to be determined as prescribed.

13. Meaning of *harm*

- (1) For the purposes of this Act, a person harms Aboriginal heritage if the person performs an act or omission that –
- (a) results in damage, defacement, destruction or other harm to, or interference with, Aboriginal heritage; or
 - (b) results in the permanent concealment of Aboriginal heritage; or
 - (c) is performed with the specific intention to –
 - (i) damage, deface, destroy or otherwise harm, or interfere with, Aboriginal heritage; or
 - (ii) permanently conceal Aboriginal heritage.
- (2) Despite subsection (1), a person does not harm Aboriginal heritage if the person performs an act or omission that –
- (a) is performed in accordance with this Act; or

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Part 3 – Interpretation

- (b) is performed in accordance with an Aboriginal heritage permit, or approved management plan, that is in force or effect under this Act; or
- (c) is prescribed for the purposes of this section as being an act or omission that does not fall within the definition of harm; or
- (d) is an act or omission within a class of acts or omissions prescribed for the purposes of this section as not being within the definition of harm.

14. Meaning of *significance*

For the purposes of this Act, if a person is determining whether something has significance to the Tasmanian Aboriginal people, the person is to take into account one or more of the following:

- (a) the anthropological or archaeological significance of the thing;
- (b) the contemporary or historical significance of the thing;
- (c) the scientific, social or spiritual significance of the thing;
- (d) whether the thing has significance in respect of –
 - (i) Aboriginal traditions, whether contemporary or historical; or

- (ii) the traditional use of the thing by Aboriginal persons generally or a particular group of Aboriginal persons; or
- (iii) the traditions, stories, rituals, festivals or social practices, performing arts, visual arts, crafts or environmental knowledge of Aboriginal persons generally or of a particular group of Aboriginal persons.

15. Certain objects excluded from definition of Aboriginal heritage object

- (1) For the purposes of this Act, the following objects are not Aboriginal heritage objects:
 - (a) objects made, or likely to have been made, for the purposes of sale (other than by way of barter or exchange in accordance with Aboriginal tradition);
 - (b) object that are being lawfully used by the persons who hold the intellectual property rights for the object;
 - (c) other objects prescribed for the purposes of this section.
- (2) For the avoidance of doubt, Aboriginal human remains are not Aboriginal heritage objects for the purposes of this Act.

PART 4 – ABORIGINAL HERITAGE COUNCIL

16. Aboriginal Heritage Council established

- (1) The Aboriginal Heritage Council is established.
- (2) The Council –
 - (a) is a body corporate with perpetual succession; and
 - (b) may –
 - (i) have a seal; and
 - (ii) sue and be sued in its corporate name.
- (3) If the Council has a seal, all courts and persons acting judicially are to take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the Council.

17. Membership of Council

- (1) The Council consists of at least 5, but not more than 7, members appointed by the Minister on such terms and conditions as the Minister considers appropriate.
- (2) The Minister may only appoint a person as a member of the Council if the Minister is satisfied that the person is an Aboriginal person.
- (3) The Minister is to ensure that the members of the Council –

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-
- (a) are broadly representative of –
- (i) Aboriginal persons generally; and
 - (ii) all regions of the State; and
- (b) as far as practicable, reflect a diversity of genders; and
- (c) collectively, have the following skills:
- (i) experience in the protection and management of Aboriginal heritage;
 - (ii) experience in the management, or delivery, of projects of a significant scale or significant complexity;
 - (iii) contemporary board governance skills;
 - (iv) skills in interpreting, applying and enforcing legislation;
 - (v) skills prescribed for the purposes of this subsection.
- (4) The Minister is to appoint a member of the Council as its chairperson.
- (5) Schedule 1 has effect in respect of the membership of the Council.
- (6) Schedule 2 has effect in respect of the meetings of the Council.

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Part 4 – Aboriginal Heritage Council

- (7) Except as otherwise specified in this Act, the Council may regulate its own proceedings.

18. Functions and powers of Council

- (1) The Council has the following functions and powers:
- (a) to assess, consider, determine, approve or refuse to approve permits, management plans and agreements, in accordance with this Act, that relate to Aboriginal heritage and its protection;
 - (b) to advise, or make recommendations or determinations, about Aboriginal heritage including, but not limited to, its significance to the Tasmanian Aboriginal people and matters that may impact upon it;
 - (c) to develop and publish guidance materials, and other information, to educate people on the operation of this Act;
 - (d) to support public education and awareness activities in relation to Aboriginal heritage;
 - (e) to advise or make recommendations to the Minister on its own initiative, or at the request of the Minister, on –
 - (i) the registration of Aboriginal heritage under this Act; and

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- (ii) the need for audits, or protection orders, under this Act; and
 - (iii) any specific instrument or document, including plans and orders, prepared, approved or varied in accordance with this Act; and
 - (iv) any other matter under this Act;
- (f) such other powers as are reasonably required to perform its functions, or exercise its powers, under this Act or any other Act;
 - (g) the functions and powers specified in this Act, or any other Act, as functions and powers of the Council;
 - (h) such other functions and powers as are prescribed.
- (2) Despite subsection (1), the Council does not have the power to acquire, hold or dispose of real property.
- (3) In respect of any function of the Council under this Act –
- (a) the Council must perform that function in accordance with the State’s resource management and planning system, the objectives of which are set out in Schedule 1 to the *Land Use Planning and Approvals Act 1993*; and

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Part 4 – Aboriginal Heritage Council

- (b) any function performed by the Council also forms part of that resource management planning system.

19. Delegation of Council functions and powers

- (1) The Council may delegate one or more of its functions and powers, other than this power of delegation, subject to such conditions as the Council considers reasonable, to –
 - (a) one or more members of the Council, as specified in the delegation; or
 - (b) a committee made up of at least one member of the Council and such other persons as specified in the delegation; or
 - (c) the Secretary.
- (2) The Secretary may, by written instrument, delegate to a person a function or power that has been delegated to the Secretary under subsection (1)(c).
- (3) A person performing a function, or exercising a power, delegated to the person under subsection (2) must perform that function or exercise that power in accordance with –
 - (a) the conditions, if any, imposed on the Secretary, under subsection (1)(c), in respect of that function or power; and
 - (b) any additional conditions imposed on the function or power by the Secretary when

delegating the function or power under subsection (2).

20. Council may delegate certain administrative or minor functions and powers

- (1) The Council is to publish a list of its functions and powers, under this Act, that the Council considers to be administrative or minor in nature.
- (2) If a function or power is specified in a list published under subsection (1) –
 - (a) the function or power is taken to be delegated to the Secretary in accordance with section 19(1)(c); and
 - (b) the Secretary may delegate each such function or power in accordance with that section.

21. Power of Council to amend administrative processes

- (1) In this section –

administrative authorisation means –

- (a) an application made to the Council under this Act; or
- (b) an Aboriginal heritage permit issued by the Council; or
- (c) a management plan approved by the Council; or

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- (d) an Aboriginal heritage agreement.
- (2) The Council may waive all, or part, of a process under this Act in respect of an administrative authorisation if the Council –
- (a) has consulted with each person who holds the administrative authorisation; and
 - (b) is satisfied that the part of the process so waived –
 - (i) is of a perfunctory, or minor, nature; and
 - (ii) does not affect any public consultation relating to, or the ability for a person to comment on, the administrative authorisation; and
 - (c) is satisfied that waiving the process does not cause harm, and is unlikely to result in or increase the risk of harm, to Aboriginal heritage.
- (3) The Council may amend an administrative authorisation on its own initiative, or at the request of the holder of the administrative authorisation, without an application under this Act if –
- (a) the amendment is to correct a minor, or perfunctory, matter relating to the administrative authorisation; and

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- (b) the amendment –
- (i) does not have a significant impact on the administrative authorisation; and
 - (ii) is not required, under this Act, to be released for public consultation; and
 - (iii) is unlikely to cause, or result in or increase the risk of, harm to Aboriginal heritage.

22. Committees

- (1) The Council may establish such committees as it considers necessary or expedient –
- (a) to assist it in the performance and exercise of its responsibilities; or
 - (b) to advise it on any matter relating to this Act or Aboriginal heritage.
- (2) Schedule 3 has effect in respect of the membership and meetings of committees established under subsection (1).

**PART 5 – IDENTIFICATION OF ABORIGINAL
HERITAGE**

23. Person must report finding Aboriginal heritage

- (1) If a person finds an object or area that the person knows, or reasonably believes, to be Aboriginal heritage, the person must report the object or area to the Secretary as soon as reasonably practicable after it is found.

Penalty: Fine not exceeding –

- (a) 50 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues; or
- (b) 100 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.
- (2) Subsection (1) does not apply to a person who finds an object or area if –
- (a) the person reasonably believes that another person –

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- (i) is reporting, or has reported, the object or area to the Secretary as required under subsection (1); or
 - (ii) is required under subsection (3) to report the object or area; or
 - (b) the person believed on reasonable grounds that, at the time at which it was found, the object or area was registered; or
 - (c) the person –
 - (i) is an Aboriginal person; and
 - (ii) believes, on reasonable grounds, that a failure to report the object or area as required under subsection (1) is the best way to protect the object or area from harm.
- (3) For the purposes of subsection (1), an object or area that is found in the course of carrying out any work at a location is taken to be found by the person who is –
- (a) at the location of the works being carried out at the time at which the object or area is found; and
 - (b) in charge of, and with the most authority in respect of, the works.

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24. Notification of potential Aboriginal heritage

- (1) The Secretary may notify the owner of private land if the Secretary reasonably believes that there is, or may be, Aboriginal heritage in an area that adjoins the private land.
- (2) A notification under subsection (1) in respect of private land is to clearly specify if the area adjoining the private land –
 - (a) is Aboriginal heritage; or
 - (b) contains Aboriginal heritage; or
 - (c) may contain Aboriginal heritage.

25. Rights if private land contains Aboriginal heritage

- (1) This section applies if –
 - (a) the surface of any area contains Aboriginal heritage; and
 - (b) under the tenure on which the area is held –
 - (i) the owner or occupier of the area is entitled to the use and enjoyment of the surface of the area; or
 - (ii) another person is otherwise entitled to the use and enjoyment of the surface of the area.

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- (2) Despite the presence of Aboriginal heritage on the surface of an area to which this section applies, the owner or occupier of the area, or a person otherwise entitled to use the area –
- (a) is entitled to the use and enjoyment of the area; and
 - (b) must comply with Division 1 of Part 6 in respect of the area.

26. Registration of Aboriginal heritage

- (1) The Secretary is to ensure that an object or area is assessed in the prescribed manner if –
- (a) in accordance with section 23, a person reports the object or area to the Secretary; or
 - (b) the Secretary has other grounds for believing that the object or area is Aboriginal heritage.
- (2) If the Secretary is satisfied that an object or area is Aboriginal heritage, the Secretary is to enter the object or area in the Register in accordance with Part 9.

PART 6 – PROTECTION OF ABORIGINAL HERITAGE

Division 1 – General

27. Protection of Aboriginal heritage

- (1) Aboriginal heritage may be protected under this Act –
- (a) if the Aboriginal heritage is of exceptional significance to the Tasmanian Aboriginal people –
 - (i) by a protection order under Division 2; or
 - (ii) by being acquired under section 30; and
 - (b) by requiring a permit to be issued under Division 3 for certain activities to protect the Aboriginal heritage from harm; and
 - (c) by requiring certain activities to be performed under a management plan approved under Division 4 and by enabling a voluntary management plan to be approved under that Division for other activities; and
 - (d) by enabling the Minister to –
 - (i) audit certain activities under Division 5 to ensure the protection of Aboriginal heritage; or

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- (ii) issue stop orders under Part 7 in respect of certain activities that may harm Aboriginal heritage.
 - (2) For the avoidance of doubt, this Division applies to all Aboriginal heritage, regardless of whether the Aboriginal heritage –
 - (a) is registered under this Act; or
 - (b) is known by one or more Aboriginal persons.
 - (3) For the avoidance of doubt, an action under this Act is void to the extent that the action limits the operation of an order or declaration made under a prescribed Act of the Commonwealth as that order or declaration applies to Aboriginal heritage.

28. Person must not harm Aboriginal heritage

- (1) A person must not cause harm to an object or area if the person knows, or reasonably ought to know, that the object or area is Aboriginal heritage.

Penalty: Fine not exceeding –

- (a) 5 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 1 000 penalty units for each day

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during which the offence continues; or

- (b) 10 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 2 000 penalty units for each day during which the offence continues.

- (2) A person must not cause harm to an object or area if the person is reckless, or is negligent, as to whether the object or area is Aboriginal heritage.

Penalty: Fine not exceeding –

- (a) 1 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues; or
- (b) 2 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 400 penalty units for each day during which the offence continues.

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- (3) A person must not perform an action that the person knows, or reasonably ought to know, is likely to harm Aboriginal heritage.

Penalty: Fine not exceeding –

- (a) 1 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues; or
 - (b) 2 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 400 penalty units for each day during which the offence continues.
- (4) It is a defence in proceedings for an offence under this section if the defendant establishes that –

(a) the defendant –

- (i) took the action, to which the offence relates, under the authority of an Aboriginal heritage permit or an approved management plan; and
- (ii) in taking the action, took all reasonable steps to avoid or, if

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unable to be completely avoided,
mitigate damage to known, or
foreseeable, Aboriginal heritage;
or

(b) the defendant –

(i) took the action, to which the offence relates, for the purposes of an application for a permit, or the preparation of a management plan, including an associated Aboriginal heritage assessment, under this Act; and

(ii) in taking the action, took all reasonable steps to avoid or, if unable to be completely avoided, mitigate damage to known, or foreseeable, Aboriginal heritage;
or

(c) the action, to which the offence relates, was exempt from the requirement to have an Aboriginal heritage permit, or an approved management plan, and the defendant, in taking the action, took all reasonable steps to avoid or, if unable to be completely avoided, mitigate damage to known, or foreseeable, Aboriginal heritage; or

(d) the action, to which the offence relates, was taken in accordance with –

(i) this Act or the regulations; or

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- (ii) the Ministerial guidelines; or
 - (iii) the codes, standards, guidelines or other documents adopted under the regulations; or
- (e) the action, to which the offence relates, was a necessary and proportionate response to –
- (i) an actual or impending emergency that threatened the loss of human life or property or threatened to injure any person; or
 - (ii) an emergency under section 55 of the *Electricity Supply Industry Act 1995*; or
 - (iii) prescribed circumstances that existed at the time at which the action was taken.
- (5) It is a defence in proceedings for an offence under this section if the defendant establishes that –
- (a) the object or area, purported to be Aboriginal heritage, to which the offence relates –
 - (i) had been reported as required under Part 5; and
 - (ii) was not registered; and

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- (b) it was reasonable, in the circumstances, for the defendant to believe that the object or area was not Aboriginal heritage.
- (6) If, in any proceedings for an offence against a provision of this section, the court –
 - (a) is not satisfied that the defendant is guilty of that offence; but
 - (b) is satisfied that the defendant is guilty of another offence within this Division –

the court may find the defendant guilty of the other offence.

29. Sale of objects that resemble Aboriginal heritage

- (1) A person must not sell an object that purports to be, or could reasonably be mistaken for, Aboriginal heritage.

Penalty: Fine not exceeding –

- (a) 250 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 50 penalty units for each day during which the offence continues; or
- (b) 500 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a

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further fine not exceeding 100 penalty units for each day during which the offence continues.

- (2) Subsection (1) does not apply in respect of a person who is selling an object –
- (a) in accordance with a valid Aboriginal heritage permit; or
 - (b) that is not Aboriginal heritage and is clearly identifiable, or clearly specified, as not being Aboriginal heritage.

30. Acquisition of Aboriginal heritage sites and Aboriginal heritage places

- (1) The Minister may acquire, in accordance with the *Land Acquisition Act 1993*, an Aboriginal heritage site or an Aboriginal heritage place if the Minister reasonably believes that –
- (a) the site or place is of exceptional significance to the Tasmanian Aboriginal people; and
 - (b) the acquisition of the site or place is the only way of protecting or managing the site or place.
- (2) Before acquiring any site or place under subsection (1), the Minister is to –
- (a) consult the Council and any persons who, to the Minister’s knowledge, would be likely to be affected by the acquisition

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or its extension, variation or revocation
under the *Land Acquisition Act 1993*; and

- (b) consider the matters and representations, if any, arising from those consultations.
- (3) If a site or place is acquired in accordance with subsection (1), compensation under the *Land Acquisition Act 1993* is not to be determined under that Act with any regard to –
 - (a) the value of any Aboriginal heritage on or under the surface of the site or place; or
 - (b) any additional value of the site or place that arises from the fact that the site or place is Aboriginal heritage.

31. Certain activities may not be undertaken in certain areas

- (1) An Aboriginal heritage permit may not be issued, and management plan may not be approved, under this Part in respect of an activity that is to be undertaken on –
 - (a) any area of Macquarie Island; or
 - (b) Aboriginal land, if the Aboriginal Land Council has not approved the issuing of the permit or the approval of the management plan.
- (2) An Aboriginal heritage permit that is issued or a management plan that has been approved, under

this Part, in contravention of subsection (1) is void.

Division 2 – Aboriginal heritage protection orders

32. Interim protection orders

- (1) The Minister may issue an interim protection order in respect of Aboriginal heritage if the Minister is satisfied that –
- (a) the Aboriginal heritage requires protection; and
 - (b) the issuing of the order is the only way of protecting from harm, or managing, the Aboriginal heritage; and
 - (c) the Aboriginal heritage is, or is about to be, the subject of an application for an enduring protection order.
- (2) An interim protection order –
- (a) comes into force –
 - (i) on the day on which it is published in the *Gazette* in accordance with section 36; or
 - (ii) on such later day as is specified in the order; and
 - (b) remains in force –
 - (i) until the application for an enduring protection order,

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referred to in subsection (1)(c), is determined under this Part; or

(ii) if no application is made for an enduring protection order within 3 months after the interim protection order is made, for 3 months.

- (3) Before issuing, varying or revoking an interim protection order, the Minister is to –
- (a) consult the Council and any persons who, to the Minister’s knowledge, would be likely to be affected by the order or its variation or revocation; and
 - (b) consider the matters and representations, if any, arising from those consultations.

33. Enduring protection orders

- (1) The Minister may issue an enduring protection order in respect of registered Aboriginal heritage, if the Minister is satisfied that –
- (a) the Aboriginal heritage requires ongoing protection; and
 - (b) the Aboriginal heritage is of exceptional significance to the Tasmanian Aboriginal people; and
 - (c) the issuing of the order is the only way of protecting from harm, or managing, the Aboriginal heritage.

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- (2) An enduring protection order –
- (a) comes into force –
 - (i) on the day on which it is published in the *Gazette* in accordance with section 36; or
 - (ii) on such later day as is specified in the order; and
 - (b) remains in force until revoked.
- (3) Before issuing, varying or revoking an enduring protection order, the Minister is to –
- (a) consult the Council and any persons who, to the Minister’s knowledge, would be likely to be affected by the order or its variation or revocation; and
 - (b) undertake such public consultation as is prescribed; and
 - (c) consider the matters and representations, if any, arising from those consultations.
- (4) For the purposes of subsection (3), the Minister must allow at least 28 days for the consultations and the making of representations.
- (5) After consultation has occurred under subsection (3) and before an enduring protection order is issued, varied or revoked under this Division, a draft of the order must be approved by each House of Parliament.

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- (6) If an enduring protection order is issued, the Minister must –
- (a) publish the order in accordance with section 36; and
 - (b) give a copy of the order to the Council.

34. Form of protection orders

- (1) A protection order is to –
- (a) be in a form approved by the Minister; and
 - (b) include a statement that the order has been made to protect Aboriginal heritage; and
 - (c) specify –
 - (i) whether it is an interim protection order or enduring protection order; and
 - (ii) the reasons for which it has been issued; and
 - (iii) if appropriate, the Aboriginal heritage in respect of which it is issued; and
 - (iv) the measures to be taken to protect the Aboriginal heritage; and

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- (v) who is responsible for taking the protective measures, if applicable; and
 - (vi) such other matters as the Minister considers appropriate in the circumstances; and
 - (d) contain the prescribed information, if any.
- (2) A protection order may be issued –
- (a) on the Minister’s own initiative; or
 - (b) at the written request of the Council.

35. Variation or revocation of protection orders

- (1) The Minister, by notice, may vary or revoke a protection order –
- (a) on the Minister’s own initiative; or
 - (b) at the written request of the Council; or
 - (c) on the application of a person, affected by the order, that is made and lodged in accordance with section 127.
- (2) If the Minister varies or revokes a protection order, the Minister must publish, in accordance with section 36 –
- (a) that the order has been so varied or revoked; and
 - (b) the reason for the variation or revocation.

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36. Publication of protection orders

(1) In this section –

affixed means displayed –

- (a) in a secure and conspicuous position; and
- (b) in a weatherproof form with a bright red or bright orange border;

relevant protection order includes –

- (a) a protection order; and
- (b) the variation or revocation of a protection order under section 35.

(2) As soon as practicable after a relevant protection order is made, the Minister –

(a) must publish in the *Gazette* –

- (i) the relevant protection order; and
- (ii) if required under this Act, the reasons for making the relevant protection order; and

(b) is to publish the relevant protection order in at least one daily newspaper published and circulating generally in Tasmania; and

(c) may publish, or display, the relevant protection order in such other ways as

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the Minister considers appropriate in the circumstances.

- (3) Subsection (2) does not apply to a protection order if the Minister is satisfied that not publishing the protection order is the best way to protect the Aboriginal heritage to which the order relates.
- (4) If a relevant protection order requires a person other than a State servant to take measures, specified in the order, to protect Aboriginal heritage, the Minister must give the person a copy of the relevant protection order.
- (5) For the avoidance of doubt, the affixing of a copy of a relevant protection order in any area, in order to display the order under subsection (2)(c), and the associated entry into that area, does not constitute an offence if the entry into the area was reasonably necessary to display the copy of the order.
- (6) A person must not, without lawful excuse, move, remove, deface, destroy or obscure a copy of a protection order that is affixed under subsection (2)(c).

Penalty: Fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

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37. Effect of protection orders

- (1) A protection order has effect despite anything to the contrary in any of the following:
 - (a) any other Act or law of the State;
 - (b) any municipal by-law;
 - (c) any Aboriginal heritage permit;
 - (d) any Aboriginal heritage agreement;
 - (e) any management plan, or similar instrument, under this Act or any other Act;
 - (f) any other agreement or contract.
- (2) For the avoidance of doubt, a provision of an instrument or document specified in subsection (1) is void to the extent that it is inconsistent with a protection order, regardless of whether the instrument or document was made before or after the order.

38. Contravention of protection orders

- (1) A person must not contravene a protection order.

Penalty: Fine not exceeding –

- (a) 5 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 1 000

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penalty units for each day during which the offence continues; or

- (b) 10 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 2 000 penalty units for each day during which the offence continues.

(2) It is a defence to proceedings for an offence under this section if the defendant establishes that –

- (a) in accordance with section 36(3), a copy of the relevant protection order was not published; and
- (b) the defendant did not know, and could not reasonably be expected to have known, that the defendant had contravened the protection order.

39. Naming of area as protected

A person must not refer to an area of Aboriginal heritage as being protected if the person knows, or reasonably ought to know, that –

- (a) the area of Aboriginal heritage is not the subject of a protection order; and

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- (b) referring to the area of Aboriginal heritage in that manner is likely to, or has the capacity to, mislead or deceive another person into thinking that the area is the subject of a protection order.

Penalty: Fine not exceeding –

- (a) 25 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues; or
- (b) 50 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

Division 3 – Aboriginal heritage permits

40. Certain activities require permits

- (1) A person must not carry out a permit activity unless the person –
 - (a) is acting under the authority of an Aboriginal heritage permit that authorises the person to carry out the permit activity; and

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- (b) carries out the permit activity in accordance with that permit.

Penalty: Fine not exceeding –

- (a) 250 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 50 penalty units for each day during which the offence continues; or
 - (b) 500 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 100 penalty units for each day during which the offence continues.
- (2) Despite subsection (1), a person is not required to hold an Aboriginal heritage permit to carry out a permit activity if –
- (a) the activity –
 - (i) is necessary for the preparation of a management plan in respect of which notice has been given in accordance with section 57(1); and
 - (ii) is not intended, and is not likely, to harm Aboriginal heritage; or

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- (b) the activity is being performed in accordance with an approved management plan; or
- (c) the activity is a necessary and proportionate response to –
 - (i) an actual or impending emergency that threatens human life or property or threatens to injure any person; or
 - (ii) an emergency under section 55 of the *Electricity Supply Industry Act 1995*; or
 - (iii) prescribed circumstances; or
- (d) the activity only disturbs ground –
 - (i) that has been disturbed previously in a similar manner; and
 - (ii) in such a manner that is not intended, and is not likely, to harm Aboriginal heritage.

41. Types of activities that require permits

The following activities require an Aboriginal heritage permit:

- (a) an activity, including a land activity, that involves or is reasonably likely to involve harm to Aboriginal heritage;

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- (b) the disturbance or excavation of an area for the primary purpose of discovering or uncovering Aboriginal heritage;
 - (c) the removal of Aboriginal heritage from Tasmania;
 - (d) the sale of Aboriginal heritage or a replica of Aboriginal heritage;
 - (e) the carrying out of scientific research at an Aboriginal heritage place, or Aboriginal heritage site, if that research is known to, or is likely to, harm Aboriginal heritage;
 - (f) the removal, for the purposes of scientific research, of Aboriginal heritage from –
 - (i) an Aboriginal heritage place or Aboriginal heritage site; or
 - (ii) a place that is likely to become an Aboriginal heritage place;
 - (g) an activity, including a land activity, that is undertaken for the purpose of assessing whether a management plan is required, or desired, in respect of an area;
 - (h) an activity, including a land activity, that is prescribed for the purposes of this definition.

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42. Applications for Aboriginal heritage permits

- (1) A person may apply to the Council, in accordance with section 127, for an Aboriginal heritage permit.
- (2) Before the Council considers an application under subsection (1) –
 - (a) the applicant must make all reasonable efforts to consult with each Aboriginal person, as determined by the Council, who has a particular interest in, or knowledge of, the relevant Aboriginal heritage; and
 - (b) the Council may require the applicant to consult with such other persons as the Council considers appropriate in the circumstances.
- (3) The Council must consider each of the following when considering an application under subsection (1):
 - (a) the nature and significance of the relevant Aboriginal heritage;
 - (b) the nature of the permit activity to which the permit is to relate, including –
 - (i) all potential impacts that it may have on Aboriginal heritage; and
 - (ii) the ability to avoid or, if unable to be completely avoided,

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mitigate such an impact on the relevant Aboriginal heritage;

- (c) whether consultation requirements under subsection (2) were met to the satisfaction of the Council;
 - (d) the representations made, and information obtained, during any consultations conducted in respect of the application;
 - (e) any relevant Aboriginal heritage assessment;
 - (f) this Act and all relevant regulations and Ministerial guidelines;
 - (g) such other factors as the Council considers appropriate in the circumstances.
- (4) While considering an application under subsection (1), the Council may do one or more of the following:
- (a) carry out such consultations and inquiries, including consultation with any person not referred to in subsection (2), as it considers appropriate in the circumstances;
 - (b) consult owners of any area who may be affected by the issuing of the permit;
 - (c) require the applicant to carry out one or more of the following:

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- (i) such consultations and inquiries as the Council specifies to the applicant;
- (ii) an Aboriginal heritage assessment in respect of any area to which the permit relates;
- (d) with the permission of the relevant owners of an area, inspect or arrange for the inspection of any area, or adjoining to the area, to which the permit relates.

43. Further information may be required for permit applications

- (1) When considering an application for an Aboriginal heritage permit under section 42 –
 - (a) the Council may notify the applicant, in writing, that further information or consultation is required in respect of the application and specify the details of the further information or consultation so required; and
 - (b) the Council is not to consider the application again until the applicant has –
 - (i) provided all the specified information; and
 - (ii) completed all the specified consultation.
- (2) If the Council has given the applicant a written notice under subsection (1), in respect of an

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application under section 42, the period between the written notice being provided to the applicant and the provision of the information or the completion of the consultation, as specified in the written notice, is not to be taken into account for the purpose of any time period specified under this Act.

44. Determination of permit applications

- (1) After considering an application for an Aboriginal heritage permit under section 42, the Council may –
 - (a) subject to subsection (2), approve the application; or
 - (b) refuse to approve the application.
- (2) Subject to section 127, an application under section 42 is to be determined within –
 - (a) 42 days after the day on which the application is lodged with the Council; or
 - (b) such further period as is agreed between the Council and the applicant.
- (3) A decision under this section to refuse to approve an application for an Aboriginal heritage permit is an administrative decision under section 129.

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45. Refusal of permit applications

- (1) If the Council refuses to approve an application for an Aboriginal heritage permit under section 44(1), the Council is to notify the applicant –
 - (a) of the refusal of the application and the reasons for that refusal; and
 - (b) that the applicant has a right of appeal under this Act in respect of the refusal.
- (2) The Council must not approve an application under section 42 for an Aboriginal heritage permit if the permit activity, to which the permit relates –
 - (a) involves, or is likely to involve, harm to, or the disturbance or relocation of, Aboriginal human remains, to which section 30 of the *Burial and Cremation Act 2019* applies, and the applicant has not complied with that section; or
 - (b) requires an approved management plan.

46. Failure to determine permit application

- (1) If the Council does not determine an application for an Aboriginal heritage permit within the period specified in section 44(2) –
 - (a) the applicant may make a written request to the Minister to determine the application; and

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- (b) the Minister, within 30 days after receiving that request, must –
- (i) determine the application to which the request relates; or
 - (ii) refer the application back to the Council, if the Minister is satisfied that the application will be determined by the Council within a reasonable period.
- (2) If the Minister proceeds to determine an application for an Aboriginal heritage permit in accordance with subsection (1)(b)(i) –
- (a) the Minister is to notify the Council of that fact; and
 - (b) the Minister is taken to be the Council for the purposes of –
 - (i) determining the application; and
 - (ii) if a permit is issued in respect of the application, the permit –and this Act applies to the Minister in respect of the application, and any permit issued in respect of the application, as if the Minister were the Council; and
 - (c) the Minister is to notify the Council of –
 - (i) the result of the Minister’s determination of the application; and

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- (ii) any action taken by the Minister in respect of a permit issued in respect of the application; and
- (d) the Council is not entitled to take any further action in relation to –
 - (i) the determination of the application; and
 - (ii) any permit issued in respect of the application.

47. Issue of Aboriginal heritage permits

- (1) If, under section 44(1), the Council approves an application for an Aboriginal heritage permit, the Council –
 - (a) is to notify the applicant of the approval and issue the Aboriginal heritage permit to the applicant; and
 - (b) may give such other private and public notices in relation to the matter as it considers appropriate in the circumstances.
- (2) An Aboriginal heritage permit –
 - (a) is to be in a form approved by the Council; and
 - (b) may be subject to such conditions as are determined by the Council and specified –

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- (i) in the permit itself; or
 - (ii) in another document attached to, or relating to, the permit; and
 - (c) may be surrendered at any time by written notice to the Council; and
 - (d) is only transferable to another person in accordance with section 50; and
 - (e) is not transferable to another permit activity.
- (3) The holder of an Aboriginal heritage permit must not –
- (a) contravene a condition of the permit; or
 - (b) cause or allow another person to contravene a condition of the permit.

Penalty: Fine not exceeding –

- (a) 1 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues; or
- (b) 2 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 400 penalty units for each day

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during which the offence continues.

- (4) A person must not take an action if the person knows, or reasonably ought to know, that the action contravenes a condition of an Aboriginal heritage permit.

Penalty: Fine not exceeding –

- (a) 50 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues; or
- (b) 100 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

- (5) A decision to impose a condition in respect of an Aboriginal heritage permit is an administrative decision under section 129.

48. Duration of Aboriginal heritage permits

- (1) An Aboriginal heritage permit issued under this Division –

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- (a) takes effect when it is issued or on such later day as is specified in the permit; and
 - (b) has effect for –
 - (i) such period as the Council specifies in the permit; or
 - (ii) if the Council does not specify a period in the permit, 3 years from when it takes effect.
 - (2) The holder of an Aboriginal heritage permit may apply, in accordance with section 127, for the duration of the permit to be extended for one further period.
 - (3) After considering an application under subsection (2) in respect of an Aboriginal heritage permit, the Council may extend the permit for one further period as specified by the Council.

49. Variation of Aboriginal heritage permits

- (1) The Council may vary an Aboriginal heritage permit, at any time –
 - (a) if the variation is minor or administrative in nature, on the Council's own initiative; or
 - (b) on the application, by the holder of the Aboriginal heritage permit, made and lodged in accordance with section 127.

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- (2) In considering whether to vary an Aboriginal heritage permit, the Council –
- (a) if the variation is to be made on the Council’s own initiative, is to consult the holder of the permit before making the change; and
 - (b) if the variation is to be made on the application of the holder of the permit, may require the applicant to take all reasonable efforts to consult –
 - (i) each Aboriginal person who the Council knows has a particular interest in, or knowledge of, the relevant Aboriginal heritage; and
 - (ii) such other persons as the Council considers appropriate in the circumstances; and
 - (c) is to take into account any feedback provided as part of the consultation.
- (3) If the Council varies an Aboriginal heritage permit, the Council is to notify the holder of the permit –
- (a) that the permit has been varied and the details of the variation; and
 - (b) if the variation is on the Council’s own initiative, of the reasons for the variation; and

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- (c) of the day on which the variation takes effect; and
 - (d) if the variation makes the Aboriginal heritage permit more restrictive, that the applicant has a right of appeal under this Act in respect of the variation.
- (4) If the Council refuses to vary the Aboriginal heritage permit on the application of the holder of the permit, the Council is to notify the holder of the permit –
- (a) of that refusal and the reasons for the refusal; and
 - (b) that the holder of the permit has a right of appeal under this Act in respect of the refusal.
- (5) The variation of an Aboriginal heritage permit takes effect on whichever of the following days last occurs:
- (a) 14 days after the day on which the holder of the permit is notified of the variation;
 - (b) on such day as the Council specifies in the notice provided to the holder of the permit under subsection (3);
 - (c) if the variation of the permit is appealed under this Act, the day on which –
 - (i) the appeal is determined in a manner that affirms the variation;
 - or

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- (ii) the appeal is withdrawn, abandoned or dismissed.
- (6) On varying an Aboriginal heritage permit, the Council may issue the holder of the permit with fresh permit documentation incorporating the variations.
- (7) Each of the following decisions under this section is an administrative decision under section 129:
 - (a) a decision to vary an Aboriginal heritage permit in a manner that makes the Aboriginal heritage permit more restrictive;
 - (b) a decision to refuse to vary an Aboriginal heritage permit.

50. Transfer of Aboriginal heritage permits

- (1) The holder of an Aboriginal heritage permit may apply to the Council, in accordance with section 127, for approval to transfer the permit, either permanently or for a limited time.
- (2) In addition to the requirements of section 127, an application under this section to transfer a permit is to –
 - (a) identify the proposed transferee; and
 - (b) specify the proposed date, or period, of the transfer; and

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- (c) contain evidence that the proposed transferee supports the transfer of the permit.
- (3) After receiving an application under this section for the transfer of an Aboriginal heritage permit, the Council is to approve the transfer unless the Council is satisfied that –
- (a) the transfer is likely to result in harm to Aboriginal heritage; or
 - (b) the transfer –
 - (i) is an attempt by the transferor to avoid liability under this Act; or
 - (ii) may result in the transferor avoiding liability under this Act.
- (4) If the Council approves the transfer of an Aboriginal heritage permit under this section, the Council is to notify the applicant and the proposed transferee of the approval.
- (5) If the Council refuses to approve the transfer of an Aboriginal heritage permit under this section, the Council is to notify the applicant and the proposed transferee –
- (a) of the refusal and the reasons for that refusal; and
 - (b) that the applicant and the proposed transferee have a right of appeal under this Act in respect of the refusal.

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- (6) A decision under this section to refuse to transfer an Aboriginal heritage permit is an administrative decision under section 129.

51. Suspension and cancellation of Aboriginal heritage permits

- (1) The Council may cancel or suspend an Aboriginal heritage permit if the Council reasonably believes that –
- (a) the holder of the permit –
 - (i) no longer requires the permit; or
 - (ii) can no longer demonstrate a legitimate need for the permit; or
 - (iii) has contravened the conditions of the permit, or the provisions of this Act, in a material way; or
 - (iv) has given the Council false or misleading information in connection with the permit; or
 - (b) the permit activity, to which the permit relates, is having unforeseen impact on Aboriginal heritage; or
 - (c) the prescribed circumstances exist; or
 - (d) the suspension or cancellation of the permit is otherwise reasonable in the circumstances.

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- (2) The cancellation, or suspension, of an Aboriginal heritage permit takes effect on whichever of the following days last occurs:
- (a) 14 days after the day on which the holder of the permit is notified, in writing by the Council, of the suspension or cancellation;
 - (b) on such day, or at such time, as the Council specifies in the written notice;
 - (c) if the suspension or cancellation of the permit is appealed under this Act, the day on which –
 - (i) the appeal is determined in a manner that affirms the suspension or cancellation; or
 - (ii) the appeal is withdrawn, abandoned or dismissed.
- (3) The written notice of the suspension or cancellation of an Aboriginal heritage permit under subsection (2) is to specify –
- (a) the reasons for the cancellation or suspension; and
 - (b) when the cancellation or suspension takes effect; and
 - (c) in the case of a suspension –
 - (i) the period of suspension; and

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- (ii) any actions that must be taken for the suspension to be lifted; and
 - (d) that the holder of the permit has a right of appeal under this Act in respect of the suspension or cancellation.
- (4) If an Aboriginal heritage permit is suspended under this section –
 - (a) except for the purposes of applying for an extension of the permit, the permit is of no effect during the period of suspension; and
 - (b) the Council, by written notice to the holder of the permit, may revoke the suspension at any time; and
 - (c) nothing in this section prevents the Council from cancelling the permit while it is so suspended.
- (5) If requested to do so by the Council, a person whose Aboriginal heritage permit has been cancelled must return it to the Council.
- (6) A decision under this section to suspend, or cancel, an Aboriginal heritage permit is an administrative decision under section 129.

52. Issue of replacement Aboriginal heritage permits

- (1) The Council may issue the holder of an Aboriginal heritage permit with a replacement permit if the Council is satisfied that the original permit has been –

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- (a) stolen, lost or destroyed; or
 - (b) damaged to a degree that renders it unsuitable for use.
- (2) The Council may issue the holder of an Aboriginal heritage permit with a replacement permit, on its own initiative, if the Council has amended the permit in accordance with section 21.

Division 4 – Management plans

Subdivision 1 – Management plans generally

53. Interpretation of Division

In this Division –

heritage protection measures, in relation to a management plan for a land activity, means measures specified in the plan –

- (a) to protect and manage Aboriginal heritage; and
- (b) to deal with the impact that the land activity may have, or is likely to have, on Aboriginal heritage.

54. Certain land activities require management plans

- (1) An approved management plan is required for a land activity if –

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- (a) the land activity is within a class of land activities that are prescribed as requiring a management plan; or
 - (b) the Minister –
 - (i) after consultation with the Council, is satisfied that the land activity poses a serious risk of harm to Aboriginal heritage; and
 - (ii) imposes, by written notice to the proponent, the requirement for an approved management plan in respect of the land activity.
- (2) An approved management plan is not required, under subsection (1), for a land activity if the activity –
- (a) is the subject of an exemption under section 55; or
 - (b) is in a class of land activities that are prescribed as being exempt from requiring an approved management plan; or
 - (c) is carried out in an emergency under section 55 of the *Electricity Supply Industry Act 1995*; or
 - (d) is a necessary and proportionate response to an actual or impending emergency that threatens human life or property or threatens to injure any person.

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- (3) An approved management plan is only approved for and in respect of the proponent, and the land activity, specified in the plan.
- (4) If an approved management plan is required under this section for a land activity, a person must not commence or carry out the land activity unless a management plan for the land activity has been approved –
- (a) by the Council under section 65; or
 - (b) by the Minister under section 67.

Penalty: Fine not exceeding –

- (a) 500 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 100 penalty units for each day during which the offence continues; or
 - (b) 1 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues.
- (5) Subsection (4) does not apply to the following work undertaken as part of a land activity:

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- (a) the erection of perimeter fencing that is not intended to be permanent fencing;
- (b) the clearance of vegetation, rubbish or hazards from the surface of the area, where the land activity is to be carried out, if there is only minimal disturbance of the topsoil;
- (c) the surveying, mapping and testing of the area where the land activity is to be carried out including, but not limited to, testing of soil and water;
- (d) other prescribed works or activities.

55. Exemption from requirement for approved management plans

- (1) A proponent may apply to the Council for an exemption from a requirement to have an approved management plan for a land activity.
- (2) On receipt of an application from a proponent under subsection (1) in respect of a land activity, the Council must grant the proponent an exemption from the requirement to have an approved management plan for the land activity under this Part if the Council is satisfied that –
 - (a) in the circumstances, there is no need for a management plan, as the land activity is not likely to cause harm to Aboriginal heritage; or

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- (b) while Aboriginal heritage may be present in the area, the land activity is not likely to cause additional harm to the Aboriginal heritage, as –
- (i) the area where the land activity is to be performed has sustained significant ground disturbance that was not caused to gain an exemption under this section; and
 - (ii) the significant ground disturbance of the area is total or widespread.
- (3) For the purposes of subsection (1)(b), there has been significant ground disturbance of an area if there has been a disturbance of the topsoil, a waterway or the surface rock layer of the ground, in the course of –
- (a) digging, dredging, excavating, grading or trenching, using mechanical means in the area; or
 - (b) the ploughing of soil in the area but only if the ploughing involves –
 - (i) deep ripping undertaken with a ripper or subsoil cultivation tool; or
 - (ii) the ploughing of mounds above the surface rock layer of the ground.
- (4) For the purposes of granting an exemption under subsection (1), the Council may –

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- (a) inform itself as the Council thinks fit; and
 - (b) consult with such persons as the Council considers relevant to the matter.
- (5) If the proponent for a land activity applies for an exemption under this section and the Council refuses to grant the exemption, the Council is to notify the proponent –
- (a) of the refusal and the reasons for that refusal; and
 - (b) that the proponent has a right of appeal under this Act in respect of the refusal.
- (6) A decision to refuse to grant an exemption under this section is an administrative decision under section 129.

56. Voluntary management plans

- (1) Nothing in this Act prevents the proponent for a land activity from preparing a management plan for the land activity even though there is no requirement under this Act to do so.
- (2) If a proponent notifies the Council under section 57 that the proponent intends to prepare a management plan voluntarily, this Part applies to the preparation, approval and operation of that management plan.

Subdivision 2 – Preparation of management plans

57. Notification of intention to prepare management plans

- (1) A proponent for a land activity is to notify each of the following persons in accordance with subsection (2) before the proponent commences to draft a management plan for the land activity:
- (a) the Council;
 - (b) if the management plan relates to an activity that requires approval or authorisation under another Act, the person under that Act who is responsible for giving the relevant approval or authorisation.
- (2) The notification under subsection (1) is to specify –
- (a) the proponent’s name and relevant contact details; and
 - (b) whether the management plan is required under this Act or is being prepared voluntarily; and
 - (c) the date by which, or a period within which, the plan is expected to be prepared; and
 - (d) the land activity to which the management plan is to relate; and

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- (e) the area in respect of which the proposed management plan is to apply; and
- (f) if the notification is made under subsection (1)(a) –
 - (i) the proposed methodology for the Aboriginal heritage assessment to be performed as part of the preparation of the management plan; and
 - (ii) the consultation intended to be undertaken, by the proponent, as part of the preparation of the management plan.
- (3) The Council is to give a proponent written confirmation of the receipt of a notification under subsection (1)(a) within 14 days after the notification is received by the Council.
- (4) For the purposes of this Act, written confirmation given to a proponent under subsection (3) –
 - (a) is taken to be an Aboriginal heritage permit issued under Part 6; and
 - (b) is taken to authorise such land activities –
 - (i) as are prescribed for the purposes of this section; and
 - (ii) as are specified in the written confirmation.

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58. Council may choose not to consider management plans

- (1) Within 30 days after being notified under section 57(1)(a) in respect of a proposed management plan, the Council –
 - (a) may choose not to consider the management plan under section 65; and
 - (b) if the Council chooses not to consider the management plan, is to notify the proponent and the Minister of that choice and the reasons for the choice.
- (2) The Council may choose not to consider a management plan for any reason.
- (3) After receiving notification under subsection (1)(b) that the Council has chosen not to consider a management plan –
 - (a) the proponent may notify the Minister, in an approved form, that the proponent intends to apply under section 66 for the Minister to approve the management plan; and
 - (b) the Minister must give written confirmation to the proponent that the Minister has received notification under paragraph (a) from the proponent; and
 - (c) the Minister may issue advice, or directions, to the proponent that relate to the steps that must be taken in the preparation of the management plan.

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- (4) If the Minister gives written confirmation to a proponent under subsection (3)(b) in respect of a management plan, sections 62, 63 and 65 do not apply in respect of the management plan.
- (5) For the purposes of this Act, written confirmation given to a proponent under subsection (3)(b) –
 - (a) is taken to be an Aboriginal heritage permit issued under Part 6; and
 - (b) is taken to authorise such land activities –
 - (i) as are prescribed for the purposes of written confirmation under section 57; and
 - (ii) as are specified in the written confirmation under this section.
- (6) After preparing a management plan in accordance with advice or directions issued under subsection (3)(c), if any –
 - (a) the proponent may apply to the Minister under section 66 in respect of the management plan; and
 - (b) the Minister may consider the management plan under section 67.

59. Preparation of management plans

- (1) A management plan in respect of a land activity may be prepared by, or on behalf of, the

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proponent for the land activity to which the management plan relates.

- (2) For the avoidance of doubt, the preparation of a management plan on behalf of a proponent does not remove an obligation imposed on the proponent under this Act in respect of management plans.
- (3) As part of the preparation of the management plan to be considered by the Council under section 65 in respect of a land activity, the proponent must –
 - (a) comply with this Act, the regulations and all relevant Ministerial guidelines; and
 - (b) carry out an Aboriginal heritage assessment in respect of –
 - (i) the land activity to which the management plan relates; and
 - (ii) the area to which the management plan relates; and
 - (c) make all reasonable efforts –
 - (i) to consult the Council in relation to the Aboriginal heritage assessment and the proposed management plan; and
 - (ii) to maintain regular contact with the Council, at intervals agreed between the proponent and the Council; and

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- (iii) to take into account any representations made by the Council in respect of the assessment or plan.
- (4) While a management plan to be considered by the Council under section 65 is being prepared in respect of a land activity, the Council is to make all reasonable efforts to consult and cooperate with the proponent in respect of the Aboriginal heritage assessment, and the proposed management plan, for the land activity.
- (5) As part of the preparation of a management plan to be considered by the Minister under section 67 in respect of a land activity, the proponent must –
 - (a) comply with this Act, the regulations and all relevant Ministerial guidelines; and
 - (b) carry out an Aboriginal heritage assessment in respect of –
 - (i) the land activity to which the management plan relates; and
 - (ii) the area to which the management plan relates; and
 - (c) comply with all advice, or directions, issued to the proponent under section 58(3)(c).

60. Form and content of management plans

- (1) A management plan is to –

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- (a) specify –
- (i) the results of the Aboriginal heritage assessment carried out during the preparation of the plan; and
 - (ii) the known and likely impacts of the land activity, to which the plan relates, on Aboriginal heritage; and
 - (iii) the heritage protection measures, and any other measures, that may need to be taken under the plan; and
- (b) be accompanied by a statement detailing the nature, extent and results of the consultation undertaken in respect of the management plan, as required under section 57(2)(f).
- (2) A management plan may cover all stages of an activity including, but not limited to, construction, commissioning, operation, decommissioning and rehabilitation.
- (3) A management plan –
- (a) is to be prepared in good faith by the proponent; and
 - (b) is to be considered in good faith by the Council, or the Minister, in accordance with this Act; and

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- (c) is not to contain any provision that purports to require an owner of an area to grant any person permanent access to that area for the purpose of the management plan.

61. Change in proponent during preparation of management plan

- (1) If, while a management plan is being prepared in respect of a land activity, there is a change in the identity of the proponent for the activity, the new proponent –
 - (a) may proceed with the preparation, and approval, of the plan in accordance with this Act; and
 - (b) is not required, in preparing the plan, to repeat any process completed by the former proponent for the activity.
- (2) Within 14 days after there is a change in the identity of the proponent for a land activity, the new proponent is to give written notice of the change in proponent to –
 - (a) the Council; and
 - (b) if the management plan is to be considered by the Minister under section 67, the Minister.
- (3) Subsection (1) does not apply in respect of a land activity if the nature or scale of the land

activity changes as a result of the change in proponent for the land activity.

62. Council may request reasons to continue with management plan preparations

The Council may request that the proponent for a proposed management plan give reasons as to why the Council should not withdraw from the preparations of the plan under section 63 if –

- (a) more than 12 months has passed after the Council is given notification under section 57(1) in respect of the management plan; and
- (b) during the period referred to in paragraph (a), the Council has not been consulted, or contacted, by the proponent in respect of the plan.

63. Council may withdraw from management plan preparations

- (1) At any time after receiving notification under section 57(1)(a) in respect of a management plan, the Council may choose to withdraw from the process of considering the management plan under this Division.
- (2) The Council may choose to withdraw from the process of considering a management plan for any reason.
- (3) If the Council chooses to withdraw from the process of considering a management plan –

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- (a) the Council must notify the proponent and the Minister of the decision and the reasons for the decision; and
- (b) the Council is to –
 - (i) refer the proposed management plan to the Minister; and
 - (ii) forward all documents in its possession, in respect of the management plan, to the Minister; and
- (c) the Minister may consider the proposed management plan under section 67.

64. Discontinuation of management plan preparations

- (1) In this section –

associated documents includes photographs, maps, site records, draft Aboriginal heritage assessments and draft plans.

- (2) If a proponent decides to discontinue the preparation of a management plan under this Part –

- (a) as soon as practicable after making the decision, the proponent is to notify –
 - (i) the Council of the decision; and
 - (ii) if the management plan is to be considered by the Minister under

section 67, the Minister of the decision; and

- (b) the Council may request that the proponent provide one or more of the associated documents relating to the preparation of the plan, or copies of those documents, to the Council.

Subdivision 3 – Approval of management plans

65. Council approval of draft management plans

- (1) In this section –

consultation period, in relation to a management plan, means –

- (a) the 42-day period commencing on the day on which the proponent gives the finalised draft of the management plan to the Council under subsection (2)(a); or
 - (b) such further extensions of the period referred to in paragraph (a) as agreed by the proponent and the Council.
- (2) As soon as practicable after a proponent has a finalised draft of a management plan –
 - (a) the proponent is to give a copy of the plan to the Council; and

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- (b) the proponent and Council must make all reasonable efforts to reach agreement on the matters specified in subsection (3).
- (3) In determining whether to approve a management plan given to the Council under subsection (2)(a), the Council –
- (a) is to consider the proposed heritage protection measures and, in particular, whether the management plan –
 - (i) provides for the relevant land activity to be carried out in a way that avoids, or minimises as much as possible, harm to Aboriginal heritage; and
 - (ii) makes satisfactory provision for the protection and management of any Aboriginal heritage likely to be affected by the relevant land activity, both during the carrying out of and after the relevant land activity; and
 - (iii) contains measures for managing disputes, delays or other contingencies that may arise in respect of the relevant land activity or the plan itself; and
 - (b) may consult with one or more of the following persons:
 - (i) the proponent;

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- (ii) any other persons having an interest in –
- (A) the area to which the management plan is to apply; or
 - (B) an area adjoining the area to which the management plan is to apply; or
 - (C) Aboriginal heritage previously found in the area;
- (iii) relevant experts and such other persons and organisations as the Council considers appropriate in the circumstances.
- (4) Subject to subsection (5), the Council is to approve a management plan given to the Council under subsection (2)(a) if the proponent and the Council reach agreement on the matters specified in subsection (3) within the consultation period.
- (5) The Council must not approve a management plan given to the Council under subsection (2)(a) if –
- (a) the management plan has not been prepared substantially in accordance with the procedural requirements of this Act and all relevant regulations and Ministerial guidelines; or

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- (b) the preparation of the management plan contravenes section 60(3).
- (6) If the Council approves a management plan given to the Council under subsection (2)(a), the Council is to provide the proponent with a written copy of the Council's approval –
 - (a) in a form approved by the Council; and
 - (b) in a document that is separate from the management plan.
- (7) However, if the Council and proponent fail to reach agreement on the matters specified in subsection (3) within the consultation period, the proponent may apply to the Minister, under section 66, for approval of the management plan under section 67.

66. Applications for Minister to approve management plans

- (1) A proponent may apply to the Minister for the Minister to approve a management plan under this Part if –
 - (a) under section 58, the Council chooses not to consider the management plan; or
 - (b) the proponent is proceeding with preparation of the management plan without further reference to the Council in accordance with section 65(7).
- (2) An application under subsection (1) is to –

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- (a) be made and lodged in accordance with section 127; and
 - (b) include a copy of –
 - (i) the management plan to be approved; and
 - (ii) the associated Aboriginal heritage assessment and any documentation prepared or obtained in, or for the purposes of, that assessment; and
 - (c) contain such further information from the applicant as the Minister requests.
- (3) In considering the application, the Minister –
- (a) if the Council has chosen not to consider the management plan under section 58, is to take into account the grounds for that choice; and
 - (b) may consult such other persons as the Minister considers appropriate in the circumstances; and
 - (c) may require the proponent to consult such persons as the Minister considers appropriate in the circumstances; and
 - (d) with the permission of relevant owners, may inspect or arrange for the inspection of –
 - (i) any area to which the management plan is to apply; or

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(ii) any adjoining area.

67. Minister may approve management plans

- (1) If the Minister receives an application under section 66 to approve a management plan, or receives a draft management plan for approval under section 63, the Minister may –
- (a) subject to subsection (5), approve the management plan subject to such conditions as the Minister considers appropriate in the circumstances; or
 - (b) refuse to approve the management plan.
- (2) In making the determination under subsection (1), the Minister is to consider –
- (a) the objects of this Act; and
 - (b) the results of the associated Aboriginal heritage assessment; and
 - (c) if a draft management plan is received under section 63, the grounds on which the Council withdrew from the process of considering the management plan; and
 - (d) any representations made to the Minister by the Council including, but not limited to, representations made to, and information obtained from consultations carried out by, the Council under section 65; and

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- (e) if applicable, the results of inspections carried out by the Council under section 65; and
 - (f) the proposed heritage protection measures and, in particular, whether the management plan –
 - (i) provides for the relevant land activity to be carried out in a way that avoids, or minimises as far as possible, harm to Aboriginal heritage; and
 - (ii) makes satisfactory provision for the protection and management of any Aboriginal heritage likely to be affected by the relevant land activity, both during the carrying out and after the cessation of the relevant land activity; and
 - (iii) contains measures for managing disputes, delays or other contingencies that may arise in respect of the relevant land activity or the plan itself; and
 - (g) such other matters as the Minister considers appropriate in the circumstances.
- (3) The Minister is to make the determination under subsection (1) within –
- (a) 30 days after the day on which the application for the approval of a

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- management plan is lodged with, or the draft management plan is referred to, the Minister; or
- (b) such further period as is agreed between the Minister and the applicant.
- (4) Before the Minister approves a management plan under subsection (1), the Minister must give the Council an opportunity to provide feedback or comment on the management plan.
 - (5) The Minister must not approve a management plan under subsection (1) if –
 - (a) the management plan has not been prepared substantially in accordance with the procedural requirements of this Act, the relevant regulations and the Ministerial guidelines; or
 - (b) the preparation of the management plan contravenes section 60(3).
 - (6) If the Minister approves the management plan, the Minister is to notify the proponent and the Council of the approval.
 - (7) If the Minister refuses to approve the management plan, the Minister is to –
 - (a) notify the proponent –
 - (i) of the refusal and the reasons for the refusal; and

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- (ii) that the proponent has a right of appeal under this Act in respect of the refusal; and
 - (b) notify the Council of the refusal.
- (8) If the Minister makes a determination under this section, in respect of a management plan, the Minister is to state the reasons for the determination and is to publish the reasons on a website operated by, or on behalf of, the Department.
- (9) A decision of the Minister under this section to refuse to approve a management plan is an administrative decision under section 129.

Subdivision 4 – Operation of approved management plans

68. Commencement of approved management plans

A management plan takes effect when approved under this Division or on such later day as is specified in the management plan.

69. Effect of approved management plans

- (1) In this section –
 - take*, in relation to an action, includes not taking the action.
- (2) In carrying out a relevant land activity under an approved management plan, a person must comply with the plan.

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Penalty: Fine not exceeding –

- (a) 1 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues; or
 - (b) 2 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 400 penalty units for each day during which the offence continues.
- (3) A person must not, in carrying out the relevant land activity under an approved management plan –
- (a) take an action that contravenes or negates a heritage protection measure of the plan; or
 - (b) refuse to take an action, if the failure to take the action contravenes or negates a heritage protection measure of the plan; or
 - (c) cause or allow another person to take an action that contravenes or negates a heritage protection measure of the plan; or

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- (d) cause or allow another person to refuse to take an action, where the failure to take the action contravenes or negates a heritage protection measure of the plan.

Penalty: Fine not exceeding –

- (a) 500 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 100 penalty units for each day during which the offence continues; or
- (b) 1 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 200 penalty units for each day during which the offence continues.

70. Variation of approved management plans

- (1) The Council may vary an approved management plan at any time –
 - (a) if the change is a minor or administrative change, on the Council’s own initiative; or
 - (b) on the application of the proponent made and lodged in accordance with section 127.

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- (2) Without limiting the generality of this section, a variation may comprise a change of proponent.
- (3) In considering whether to vary an approved management plan, the Council is to consult the proponent and such other persons as the Council considers appropriate in the circumstances.
- (4) If the Council varies an approved management plan other than on application by the proponent, the Council is to notify the proponent –
 - (a) of the variation and the reasons for the variation; and
 - (b) of the day on which the variation takes effect; and
 - (c) that the proponent has a right of appeal under this Act in respect of the variation.
- (5) If the Council varies an approved management plan on the application of the proponent, the Council is to notify each of the following persons of the variation and the day on which the variation takes effect:
 - (a) the proponent;
 - (b) in the case of a variation of proponent, the new proponent.
- (6) If the Council refuses to vary an approved management plan on the application of the proponent, the Council is to notify the proponent and, in the case of a variation of proponent, the proposed new proponent –

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- (a) of the refusal and the reasons for the refusal; and
 - (b) that each proponent has a right of appeal under this Act in respect of the refusal to vary the management plan.
- (7) The variation of an approved management plan under this section takes effect –
- (a) as soon as the proponent is or, in the case of a variation of proponent, both the proponent and the new proponent are notified of the variation; or
 - (b) on such later day as the Council specifies in the notice.
- (8) For the avoidance of doubt, the Council may determine an application under this section even if the management plan to which the application relates was approved by the Minister under section 67.
- (9) Each of the following decisions by the Council under this section, in respect of an approved management plan, is an administrative decision under section 129:
- (a) a decision to vary the management plan other than on application by the proponent;
 - (b) a decision to refuse to vary the management plan.

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71. Minister may approve variation of management plans in certain circumstances

- (1) If the Minister has approved a management plan under section 67, the Minister may vary the management plan at any time –
 - (a) if the change is a minor or administrative change, on the Minister’s own initiative; or
 - (b) on the application of the proponent made and lodged in accordance with section 127.
- (2) Without limiting the generality of this section, a variation may comprise a change of proponent.
- (3) In considering whether to vary an approved management plan, the Minister –
 - (a) must consult the Council and the proponent; and
 - (b) may consult such other persons as the Minister considers appropriate in the circumstances.
- (4) If the Minister varies an approved management plan other than on application by the proponent, the Minister is to notify –
 - (a) the proponent –
 - (i) of the variation and the reasons for the variation; and

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- (ii) of the day on which the variation takes effect; and
 - (iii) that the proponent has a right of appeal under this Act in respect of the variation; and
 - (b) the Council of the variation and the day on which the variation takes effect.
- (5) If the Minister varies an approved management plan on the application of the proponent, the Minister is to notify each of the following persons of the variation and the day on which the variation takes effect:
- (a) the proponent;
 - (b) in the case of a variation of proponent, the new proponent;
 - (c) the Council.
- (6) If the Minister refuses to vary an approved management plan on the application of the proponent, the Minister is to notify the proponent and the Council and, in the case of a variation of proponent, the proposed new proponent –
- (a) of the refusal and the reasons for the refusal; and
 - (b) that each proponent has a right of appeal under this Act in respect of the refusal to vary the management plan.

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- (7) The variation of an approved management plan under this section takes effect –
- (a) as soon as the proponent is or, in the case of a variation of proponent, both the proponent and the new proponent are notified of the variation; or
 - (b) on such later day as the Minister specifies in the notice.
- (8) Each of the following decisions by the Minister, under this section, in respect of an approved management plan is an administrative decision under section 129:
- (a) a decision to vary the management plan other than on application by the proponent;
 - (b) a decision to refuse to vary the management plan.

72. Cessation of approved management plans &c.

- (1) Subject to subsection (2), an approved management plan ceases to have effect –
- (a) when –
 - (i) the proponent completes the relevant land activity; and
 - (ii) all of the heritage protection measures of the plan are fully implemented; or

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- (b) if the relevant land activity is not commenced within –
- (i) the period of 3 years commencing on the day on which the plan is approved; or
 - (ii) if the management plan was approved by the Council, such further period as agreed between the proponent and the Council; or
 - (iii) if the management plan was approved by the Minister under section 67, such further period as agreed between the proponent and the Minister; or
- (c) if the proponent notifies the Council that the proponent –
- (i) is abandoning the relevant land activity; or
 - (ii) is unable to complete the relevant land activity or fully implement all heritage protection measures; or
- (d) if the proponent is a natural person and, before the relevant land activity is completed and all heritage protection measures are fully implemented, the proponent –
- (i) dies; or

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- (ii) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the proponent's creditors or makes an assignment of the proponent's remuneration or estate for their benefit; or
 - (e) if the proponent is a body corporate and, before the relevant land activity is completed and all Aboriginal heritage measures are implemented, the proponent becomes subject to external administration under the Corporations Act; or
 - (f) if the Council revokes the approval under subsection (4), on the day specified in that revocation.
- (2) Nothing in this section prevents the Council and the proponent for an approved management plan from agreeing, as a term of the management plan, that the approved management plan is to remain in force until revoked by either the Council or the proponent.
- (3) If the Minister approves a management plan under section 67, the Minister may specify that the management plan remains in force for a period not exceeding 10 years.
- (4) The Council, by notice provided to the proponent for an approved management plan, may revoke the approved management plan if

satisfied that the proponent has been convicted of an offence under section 69(2) or (3).

- (5) Before revoking an approved management plan under subsection (4), the Council is to allow the proponent to make submissions in relation to the matter in the manner and within the time determined by the Council.

Division 5 – Audits of land activities

73. Interpretation of Division

In this Division –

authorised activity means a land activity, or part of a land activity, carried out under –

- (a) an Aboriginal heritage permit; or
- (b) an approved management plan;

relevant approval, in relation to an authorised activity, means –

- (a) if the activity is carried out under an Aboriginal heritage permit, that permit; or
- (b) if the activity is carried out under an approved management plan, that plan;

responsible person, in relation to an authorised activity, means –

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- (a) if the activity is carried out under an Aboriginal heritage permit, the holder of that permit; or
- (b) if the activity is carried out under an approved management plan, the proponent in respect of that plan.

74. Power of Minister to order audits of certain activities

- (1) The Minister may order an audit to be carried out in respect of an authorised activity if the Minister is satisfied that –
 - (a) the terms or conditions of the relevant approval are –
 - (i) deficient; or
 - (ii) being materially contravened in respect of Aboriginal heritage; or
 - (iii) not being complied with properly or at all; or
 - (b) the impact of the activity on Aboriginal heritage is different from what was contemplated when the relevant approval was conferred; or
 - (c) there has been a material change in circumstances since the relevant approval was conferred; or

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- (d) the relevant approval was conferred based on false or misleading information; or
 - (e) the order is reasonable in the circumstances, having regard to the objects of this Act.
- (2) An audit order may be issued under subsection (1) –
- (a) on the Minister’s own initiative; or
 - (b) at the written request of the Council.
- (3) If the Minister issues an audit order under subsection (1), the Minister must –
- (a) also issue a stop order stopping the authorised activity; and
 - (b) inform the holder of the relevant approval that there is a right of appeal under this Act in respect of the issuing of the audit order and the stop order.
- (4) A decision of the Minister in relation to an audit order under this section is an administrative decision under section 129.
- (5) If a decision of the Minister in relation to an audit order is appealed under this Act –
- (a) the appeal is taken to relate to both the audit order and the related stop order issued by the Minister in accordance with subsection (3); and

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- (b) the related stop order is of no effect until the appeal is determined, withdrawn, abandoned or otherwise dismissed; and
- (c) the Tasmanian Civil and Administrative Tribunal can make such orders in respect of either the audit order or stop order, or both, that the Tribunal considers reasonable in the circumstances.

75. Audit orders

- (1) An audit order issued under section 74 is to –
 - (a) be in writing in a form approved by the Minister; and
 - (b) specify the Aboriginal heritage matters required to be audited; and
 - (c) specify the name of the authorised officer who is required to carry out the audit.
- (2) An audit under an audit order is required to be completed –
 - (a) within 30 days of the order being made; or
 - (b) such further period as the Minister considers reasonable in the circumstances.
- (3) An audit order may specify one or more of the following:

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- (a) that the services of a specified consultant or expert are to be engaged for the audit;
 - (b) that the proponent is required to pay the fees and costs of the audit in prescribed circumstances;
 - (c) the required form and required content of the audit report;
 - (d) such other matters and such procedural and other directions as the Minister considers appropriate in the circumstances.
- (4) An audit order may not, either directly or indirectly, require the authorised officer who is carrying out the audit to make, or not make, a particular finding.
- (5) On issuing an audit order, the Minister is to –
- (a) give it to the authorised officer who is required under the order to carry out the audit; and
 - (b) give a copy of the order to the responsible person for the authorised activity which is the subject of the audit; and
 - (c) give a copy of the order to the Council.
- (6) The Minister may give a copy of the order to such other persons as the Minister considers appropriate in the circumstances.

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76. Conduct of audits

- (1) An authorised officer who is required by an audit order to carry out an audit must carry out the audit in accordance with the order.
- (2) An authorised officer has such powers as are reasonably necessary to carry out the audit in accordance with the order.

77. Audit reports

- (1) Once an audit has been completed, the authorised officer who carried out the audit is to –
 - (a) prepare a report on its outcome; and
 - (b) give the report to the Minister.
- (2) An audit report prepared under subsection (1) is to –
 - (a) be in the form, if any, required by the relevant audit order; and
 - (b) identify any contraventions of this Act performed as part of the authorised activity; and
 - (c) include any matter required to be included by the relevant audit order.
- (3) An authorised officer carrying out an audit may make in an audit report under subsection (1) such recommendations as the officer considers

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appropriate on one or more of the following matters:

- (a) the variation of the relevant approval;
- (b) the continuation or termination of the relevant approval;
- (c) the monitoring of the authorised activity;
- (d) if the relevant approval is an approved management plan, the appropriateness of the heritage protection measures, within the meaning of section 53, specified in the plan;
- (e) measures relating to the conduct of the authorised activity to avoid or minimise harm to Aboriginal heritage.

78. Approval or rejection of audit reports

- (1) Within 30 days after receiving an audit report, the Minister is to –
 - (a) approve the audit report; or
 - (b) reject the audit report.
- (2) The Minister may approve the audit report only if satisfied that it adequately addresses the requirements of the relevant audit order.
- (3) The Minister is not entitled to reject an audit report solely on the basis that the Minister does not agree with its findings or recommendations.

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79. Actions following approval of audit reports

- (1) If the Minister approves an audit report under section 78, the Minister –
 - (a) is to notify the authorised officer who carried out the audit, the responsible person and the Council of the approval; and
 - (b) is to give the Secretary a copy of the audit report; and
 - (c) may notify such other persons of the approval as the Minister considers appropriate in the circumstances.
- (2) If the audit report recommends the variation of a relevant approval issued by the Minister, the Minister may implement that recommendation in accordance with the applicable procedure under this Act.
- (3) If the audit report recommends the variation of a relevant approval issued by the Council –
 - (a) the Minister is to –
 - (i) provide the Council with a copy of each recommendation; and
 - (ii) refer the relevant approval back to the Council with a request that it be amended as recommended in the report; and
 - (b) on receipt of the relevant approval, the Council may –

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- (i) implement one or more recommendations in accordance with the applicable procedure under this Act; or
 - (ii) refuse to implement one or more recommendations and give written notice of the refusal, and the reasons for the refusal, to the Minister.
- (4) The Minister may take such other actions under this Act consequent on the findings and recommendations contained in the audit report as the Minister considers appropriate in the circumstances.

80. Action following rejection of audit reports

- (1) If the Minister rejects an audit report, the Minister may –
- (a) take no further action in the matter; or
 - (b) remit the matter, with or without directions, to the authorised officer who carried out the audit, for remediation and resubmission; or
 - (c) make a fresh audit order in respect of the matter.
- (2) The Minister may not use the power under subsection (1)(c) in respect of a matter more than once in any 6-month period.
- (3) The Minister –

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- (a) is to notify the authorised officer who carried out the audit, the responsible person and the Council of –
 - (i) the rejection of the audit report; and
 - (ii) the reasons for the rejection; and
 - (iii) any action taken under subsection (1); and
- (b) is to give the Secretary a copy of the audit report; and
- (c) may notify such other persons of the rejection, and any action taken under subsection (1), as the Minister considers appropriate in the circumstances.

81. Effect of stop orders on audits

Except as specified in its terms, a stop order or an interim stop order does not prevent any person from taking any actions that are necessary or expedient for the purposes of –

- (a) an audit being carried out under and in accordance with an audit order; or
- (b) giving effect to the recommendations of an audit report that has been approved under section 78.

PART 7 – STOP ORDERS

82. Interpretation of Part

In this Part –

stop, in relation to an activity, includes –

- (a) not starting the activity; and
- (b) discontinuing all preparations for, or actions relating to, the activity.

83. Minister may stop land activities in certain circumstances

(1) The Minister, by order, may require a person to stop a land activity if –

- (a) the Minister issues an audit order; or
- (b) the Minister is satisfied that the activity is being, or is proposed to be, carried out in contravention of this Act; or
- (c) the Minister believes on reasonable grounds that the activity –
 - (i) is harming or impacting on, or is likely to harm or impact on, Aboriginal heritage; and
 - (ii) must be stopped to protect the Aboriginal heritage.

(2) A stop order may be issued under subsection (1) –

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- (a) on the Minister’s own initiative; or
 - (b) at the written request of the Council.
- (3) If a stop order is issued under subsection (1), the Minister is to give a copy of the order to the Council, and the Secretary, as soon as practicable after the order is so issued.
- (4) On receipt of a copy of a stop order under subsection (3), the Secretary is to enter the stop order in the Register.

84. Minister may stop permit activities in certain circumstances

- (1) The Minister, by order, may require a person to stop a permit activity if –
- (a) the Minister is satisfied that the activity is being, or is proposed to be, carried out in contravention of this Act; or
 - (b) the Minister believes on reasonable grounds that the activity –
 - (i) is harming or impacting on, or is likely to harm or impact on, Aboriginal heritage; and
 - (ii) must be stopped to protect the Aboriginal heritage.
- (2) A stop order may be issued under subsection (1) –
- (a) on the Minister’s own initiative; or

-
- (b) at the written request of the Council.
- (3) If a stop order is issued under subsection (1), the Minister is to give a copy of the order to the Council, and the Secretary, as soon as practicable after the order is so issued.
- (4) On receipt of a copy of a stop order under subsection (3), the Secretary is to enter the stop order in the Register.

85. Power to make interim stop orders for land activities

- (1) The Secretary or an authorised officer, by order, may require a person to stop a land activity temporarily, if the Secretary or authorised officer reasonably believes that –
- (a) the land activity –
- (i) is being, or is proposed to be, carried out in contravention of this Act; or
- (ii) is harming or impacting on, or is likely to harm or impact on, Aboriginal heritage; and
- (b) Aboriginal heritage is not, or cannot be, properly protected unless the activity is stopped urgently; and
- (c) it is not possible or expedient to refer the matter to the Minister for possible action under section 83.

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- (2) If an interim stop order is issued under subsection (1) by the Secretary, the Secretary is to give a copy of the order to the Minister and the Council as soon as practicable after the order is so issued.
- (3) If an interim stop order is issued under subsection (1) by an authorised officer, the authorised officer is to give a copy of the order to the Minister, the Council and the Secretary, as soon as practicable after the order is so issued.
- (4) On the issuing of an interim stop order by the Secretary under subsection (1) or the receipt of a copy of an interim stop order under subsection (3), the Secretary is to enter the interim stop order in the Register.

86. Power to make interim stop orders for permit activities

- (1) The Secretary or an authorised officer, by order, may require a person to stop a permit activity temporarily, if the Secretary or authorised officer reasonably believes that –
 - (a) the activity –
 - (i) is being, or is proposed to be, carried out in contravention of this Act; or
 - (ii) is harming or impacting on, or is likely to harm or impact on, Aboriginal heritage; and

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- (b) Aboriginal heritage is not, or cannot be, properly protected unless the activity is stopped urgently; and
 - (c) it is not possible or expedient to refer the matter to the Minister for possible action under section 83.
- (2) If an interim stop order is issued under subsection (1), the person issuing the interim stop order is to give a copy of the order, as soon as practicable after the order is so issued, to –
- (a) if the order is issued by an authorised officer, the Minister, the Council and the Secretary; and
 - (b) if the order is issued by the Secretary, the Minister and the Council.
- (3) On the issue of an interim stop order under subsection (1) or the receipt of a copy of an interim stop order under subsection (2), the Secretary is to enter the interim stop order in the Register.

87. Form and content of stop orders and interim stop orders

A stop order, or interim stop order, is to –

- (a) be in writing; and
- (b) be in a form approved by the Minister; and

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- (c) identify or describe the Aboriginal heritage in respect of which the order is issued; and
- (d) clearly identify the area to which the order is to apply; and
- (e) if the order relates to a land activity, specify the land activity to which the order is to apply; and
- (f) if the order relates to a permit activity, specify the permit activity to which the order is to apply; and
- (g) specify the harm or impact on, or the likely harm or impact on, the Aboriginal heritage that is intended to be prevented by the issuing of the order; and
- (h) state what the order requires.

88. Duration of stop orders and interim stop orders

- (1) A stop order comes into force as soon as it is served on the person to whom the order relates and remains in force until whichever of the following occurs first:
 - (a) if the order relates to an object or area that has been nominated for registration under this Act, the nomination for registration under this Act is refused;
 - (b) if the order relates to an object or area that the Council has recommended be

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- registered under this Act, the Council has withdrawn that recommendation;
- (c) in relation to any order, the expiration of the period of 30 days immediately after the order was served on the person;
 - (d) in relation to any order, the expiry of the period specified in the order.
- (2) If a stop order is issued under section 74(3), the stop order –
- (a) comes into force as soon as it is served on the person to whom the order relates; and
 - (b) remains in force while the audit order, in respect of which the stop order was issued, remains in force unless extended under section 90.
- (3) An interim stop order –
- (a) comes into force as soon as it is served; and
 - (b) unless sooner revoked by the Minister, only remains in force for the 48-hour period immediately after it is so served.
- (4) If a decision relating to a stop order is an administrative decision for the purposes of section 129 and a person makes an appeal against the decision in respect of the stop order, the stop order is of no effect until the appeal is

determined, withdrawn, abandoned or otherwise dismissed.

89. Service of stop orders and interim stop orders

(1) In this section –

affixed means displayed –

- (a) in a secure and conspicuous position; and
- (b) in a weatherproof form with a bright red or bright orange border;

relevant area means the area where the land activity that is the subject of the stop order or interim stop order is being, or is proposed to be, carried out;

relevant stop order includes –

- (a) a stop order; and
- (b) an interim stop order; and
- (c) a notice under section 90 extending a stop order.

(2) Without limiting the application of section 125 to relevant stop orders, such an order is also effectively served for the purpose of this Division –

- (a) on a person, if it is –
 - (i) given to the person; or

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- (ii) affixed to the relevant area in relation to the relevant stop order; and
 - (b) on a body corporate, if it is given to a person who –
 - (i) is physically present on the relevant area; and
 - (ii) appears to be supervising or directing the relevant land activity or preparations for the relevant land activity.
 - (3) For the avoidance of doubt, the affixing of a relevant stop order in any area, and the associated entry into that area, does not constitute an offence.
 - (4) A person must not, without lawful excuse, move, remove, deface, destroy or obscure a copy of a relevant stop order that is affixed under this section.

Penalty: Fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

90. Extension of stop orders

- (1) Before the expiry of a stop order, the Minister, by written instrument, may extend the stop order for one further period not exceeding 14 days.

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- (2) If a stop order is extended under this section, the Minister is to serve notice of the extension on the person to whom the order relates.
- (3) An interim stop order may not be extended.

91. Revocation of stop orders and interim stop orders

- (1) A stop order may be revoked by the Minister at any time on –
 - (a) the Minister’s own initiative; or
 - (b) the application of a person who was served with the order under this Part.
- (2) An interim stop order may be revoked by the Minister, the Secretary or the authorised officer who issued it, at any time, on –
 - (a) the authorised officer’s, or the Minister’s or Secretary’s, own initiative; or
 - (b) the application of the person who was served with the order under this Part.
- (3) If a stop order or interim stop order is revoked under this section, the person who revokes the order is to –
 - (a) serve notice of the revocation on the person who was served with the order under this Part; and
 - (b) notify the Council; and

- (c) if the person who revokes the order is not the Minister, notify the Minister.

92. Contravention of stop orders and interim stop orders

A person must not contravene a stop order or an interim stop order.

Penalty: Fine not exceeding –

- (a) 5 000 penalty units for an individual or a small business entity and, in the case of a continuing offence, a further fine not exceeding 1 000 penalty units for each day during which the offence continues; or
- (b) 10 000 penalty units for a body corporate other than a small business entity and, in the case of a continuing offence, a further fine not exceeding 2 000 penalty units for each day during which the offence continues.

PART 8 – ABORIGINAL HERITAGE AGREEMENTS

93. Power of Council to enter into Aboriginal heritage agreements

- (1) The Council may enter into agreements that relate to, and provide for, the protection or management of Aboriginal heritage.
- (2) An agreement under subsection (1) may provide for one or more of the following matters, but is not limited to the following matters:
 - (a) the protection, maintenance or use of Aboriginal heritage;
 - (b) the use of, or access to, Aboriginal heritage by Aboriginal persons;
 - (c) the rehabilitation of Aboriginal heritage;
 - (d) the rights or obligations that may apply in respect of the parties to the agreement.
- (3) However, a provision of an Aboriginal heritage agreement is void, and unenforceable, to the extent that the provision purports to do any one or more of the following:
 - (a) regulate an activity for which an Aboriginal heritage permit or approved management plan is required under this Act;
 - (b) regulate an activity for which a permit, licence or other authority is required under another Act;

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- (c) restrict or permit access to any area without the consent of –
 - (i) the owner of the area; and
 - (ii) if the owner and occupier of the area are different persons, each occupier of the area.
 - (4) An Aboriginal heritage agreement –
 - (a) has effect as a contract; and
 - (b) is binding on, and enforceable by, the parties to the agreement; and
 - (c) if the agreement relates to an area of land –
 - (i) is not a dealing for the purposes of the *Land Titles Act 1980*; and
 - (ii) does not attach to the area; and
 - (iii) does not bind a subsequent owner of the area.

94. Parties to Aboriginal heritage agreements

- (1) The Council may enter into an Aboriginal heritage agreement with any person.
- (2) However, if an Aboriginal heritage agreement relates to an area of land, at least one of the parties to the agreement must be –

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- (a) if the area is Crown land, the Minister administering the *Crown Lands Act 1976*; or
- (b) in any other case, the owner of the area.

95. Form and duration of agreements

- (1) An Aboriginal heritage agreement is to be in a form approved by the Council.
- (2) If an Aboriginal heritage agreement relates to an area, the agreement is to include a description or map of the boundaries of the area.
- (3) An Aboriginal heritage agreement may provide that it takes effect wholly, or in part, on –
 - (a) its execution; or
 - (b) a later day specified in the agreement; or
 - (c) the occurrence of a future event specified in the agreement.
- (4) Subject to subsection (5) or (6), an Aboriginal heritage agreement may provide that it terminates wholly, or in part, on –
 - (a) a day specified in the agreement; or
 - (b) the occurrence of an event specified in the agreement; or
 - (c) by agreement between the parties to the agreement.

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- (5) The Council may terminate an Aboriginal heritage agreement, by written notice to the parties to the agreement, if the Council is satisfied that one or more of the parties to the agreement are in breach of the agreement or this Act.
- (6) An Aboriginal heritage agreement relating to an area is taken to terminate automatically on the sale of the area.

96. Variation of agreements

- (1) An Aboriginal heritage agreement may be varied by agreement between the parties.
- (2) A variation of an Aboriginal heritage agreement is to be in a form approved by the Council.
- (3) A variation of an Aboriginal heritage agreement takes effect on the day specified in the instrument of variation.

PART 9 – ABORIGINAL HERITAGE REGISTER

97. Aboriginal Heritage Register

- (1) The Secretary is to keep a register of the following matters:
- (a) Aboriginal heritage;
 - (b) Aboriginal heritage permits;
 - (c) approved management plans;
 - (d) Aboriginal heritage agreements;
 - (e) stop orders and interim stop orders;
 - (f) protection orders;
 - (g) audit orders and audit reports;
 - (h) all information recorded in relation to identifying and assessing objects and areas as Aboriginal heritage including, but not limited to, information specifying that no Aboriginal heritage was identified as part of a survey of an area;
 - (i) other objects or areas as prescribed;
 - (j) such other matters that the Secretary considers relevant.
- (2) The Register –
- (a) is to be in such form as the Secretary considers appropriate; and

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- (b) must contain the prescribed information; and
 - (c) may include a record of intangible matters such as knowledge, traditions, practices and rituals that are significant to the Tasmanian Aboriginal people; and
 - (d) may include such other matters as the Secretary considers necessary or appropriate.
- (3) In keeping the Register and in performing and exercising other responsibilities under this Part –
- (a) the Secretary is to consider –
 - (i) the objects of this Act; and
 - (ii) the recommendations of the Council; and
 - (iii) any relevant registration criteria, Ministerial guidelines and guidelines issued under section 98(3); and
 - (b) the Secretary is to be satisfied that any Aboriginal heritage entered in the Register is Aboriginal heritage.
- (4) The regulations may prescribe –
- (a) notification requirements for –
 - (i) proposed entries into the Register; and

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- (ii) certain actions taken under this Act in respect of Aboriginal heritage; and
- (b) the method for entering matters into the Register including, but not limited to, application, assessment or nomination requirements; and
- (c) whether the approval of the Minister, or Parliament, is required before a matter is to be entered in the Register; or
- (d) any restrictions, or prohibitions, in respect of the amendment of the Register.

98. Access to Register

- (1) The Council is entitled to have access to the Register, at any reasonable time, if required for the purpose of performing and exercising the responsibilities of the Council.
- (2) The Secretary may grant access to information in the Register, at any time, to one or more of the following persons:
 - (a) the Minister;
 - (b) a court or tribunal, if the information is relevant to proceedings being determined by that court or tribunal;
 - (c) the Director of Public Prosecutions or a law enforcement agency;

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- (d) State servants, if the information is required for administrative purposes associated with maintaining the Register.
- (3) The Secretary, in consultation with the Council, is to issue guidelines relating to the Register including, but not limited to, access to the Register.
- (4) In accordance with guidelines issued under subsection (3), the Secretary may determine that certain information in the Register is not to be accessed by members of the public.
- (5) In addition to any other matter, the regulations may prescribe –
- (a) the persons who may apply to access information in the Register; and
 - (b) the manner in which, and the purposes for which, such an application may be made.

99. Application of *Right to Information Act 2009*

The *Right to Information Act 2009* does not apply to information, as defined in that Act, that is kept in the Register and the information in the Register is not liable to disclosure under that Act.

PART 10 – ENFORCEMENT

Division 1 – General

100. Application of Part

A power of an authorised officer under this Act may not be exercised in respect of Aboriginal land except where –

- (a) the Aboriginal Land Council has approved, whether generally or in a specified circumstance, the exercise of the power on Aboriginal land; or
- (b) the conditions of appointment for the authorised officer clearly empower the authorised officer to exercise the power on Aboriginal land; or
- (c) the Aboriginal Land Council has endorsed the authorised officer to exercise the power on Aboriginal land.

101. Authorised officers

- (1) The Secretary may appoint a person to be an authorised officer for the purposes of this Act.
- (2) An authorised officer appointed under subsection (1) –
 - (a) holds office for such period and on such conditions as are specified in the authorised officer’s instrument of appointment; and

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- (b) may hold office in conjunction with State Service employment.
- (3) The Secretary –
- (a) is to issue each authorised officer appointed under subsection (1) with an identity card; and
 - (b) may issue a person who is a police officer with an identity card for use in connection with the performance, and exercise, of the functions and powers of an authorised officer.
- (4) An identity card issued under subsection (3) is to –
- (a) specify the name of the person to whom it is issued; and
 - (b) contain a photograph of the person to whom it is issued, taken for the purpose; and
 - (c) be in a form approved by the Secretary.
- (5) If an authorised officer is issued an identity card under subsection (3), the authorised officer –
- (a) is to carry the identity card at all times when performing the functions and exercising the powers of an authorised officer; and
 - (b) if requested to do so by any person who is or may be affected by the performance and exercise of those responsibilities,

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must produce the identity card for inspection by that person as soon as practicable after the request is made.

- (6) If practicable, a police officer performing the functions, and exercising the powers, of an authorised officer must provide identification, if requested to do so –
- (a) if the police officer has been issued an identity card under subsection (3), by producing the identity card; or
 - (b) by stating the police officer’s name and –
 - (i) the officer’s rank and place of duty; or
 - (ii) the officer’s identification number.
- (7) However, a failure by an authorised officer to provide identification under this section does not invalidate an action taken in the performance of the functions and the exercise of the powers of an authorised officer by the authorised officer.
- (8) A person issued with an identity card under subsection (3) must return the card to the Secretary if –
- (a) the person ceases to be an authorised officer; or
 - (b) in the case of a police officer, the person ceases to hold that office.

Division 2 – Powers of authorised officers

102. Power of search and entry

- (1) An authorised officer may, at all reasonable times and without warrant, do one or more of the following things, in order to perform or exercise the responsibilities of an authorised officer under this Act:
- (a) enter any area, premise, vehicle or container;
 - (b) when entering an area, premise, vehicle or container under this Act, be accompanied by such assistants as the officer considers necessary;
 - (c) search any area, premise, vehicle or container if the officer reasonably believes that an Aboriginal heritage object, or a document or other thing that the officer is entitled to seize under this Act, is in the area, premise, vehicle or container;
 - (d) require a person to give the authorised officer such assistance as the officer requires to perform a search under this Part or perform or exercise any other function or power;
 - (e) in any area, premise, vehicle or container lawfully entered, search for, examine, make copies of or take extracts from –

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- (i) any document relating to Aboriginal heritage; or
 - (ii) any document that appears to indicate that an offence under this Act has been, or is being, committed;
 - (f) in any area, premise, vehicle or container lawfully entered, open any item or container;
 - (g) take any photographs, video or other recordings that the authorised officer considers necessary.
- (2) For the purposes of searching a vehicle under this section, an authorised officer may –
- (a) require that the vehicle be stopped; and
 - (b) if the officer considers it necessary or expedient to do so, bring the vehicle to a convenient place to enable the search to be done or cause or require it to be brought to such a place.
- (3) Nothing in this section authorises an authorised officer to enter any premises being used as a principal residence by a person other than with –
- (a) the permission of that person; or
 - (b) a warrant under subsection (4).
- (4) If, on the application of an authorised officer, a magistrate or justice is satisfied that it is appropriate to do so in the circumstances, the

magistrate or justice may issue a warrant authorising an authorised officer to enter the premises specified in the warrant.

103. Power to require information

- (1) An authorised officer may request that a person give the officer any information, and produce any document, that the officer reasonably requires to perform a function or exercise a power under this Act.
- (2) A person must not refuse or fail to comply with a request given to the person under subsection (1) without lawful excuse.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- (3) For the purposes of subsection (2), a lawful excuse includes the fact that complying with the request would tend to incriminate the person.

104. Power to require name and address

- (1) An authorised officer who reasonably suspects that a person has committed an offence against this Act may –
 - (a) require the person to state the person's name and address; and

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(b) if the authorised officer reasonably believes that the stated name or address is false, require the person to produce evidence of the correctness of the stated name or address.

(2) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made of the person under this section.

Penalty: Fine not exceeding –

(a) 50 penalty units for an individual or a small business entity; or

(b) 100 penalty units for a body corporate other than a small business entity.

105. Power to require disclosure of location of Aboriginal heritage

(1) An authorised officer may require a person to disclose the location of an object or area if the authorised officer reasonably believes that –

(a) the object or area is Aboriginal heritage that is not registered; and

(b) the person knows where the object or area is located; and

(c) the object or area is unable to be protected if the person does not disclose its location.

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- (2) A person must comply with a requirement made of the person, by an authorised officer, under subsection (1).

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 4 penalty units for each day during which the offence continues.

- (3) It is a defence in proceedings for an offence under subsection (2) in respect of the requirement relating to an object or area, if the defendant establishes that, at the time at which the requirement was made –
- (a) the defendant did not know the location of the object or area; or
 - (b) the object or area was registered; or
 - (c) the defendant –
 - (i) was an Aboriginal person; and
 - (ii) believed, on reasonable grounds, that a failure to disclose the location of the object or area as required under subsection (1) was the best way to protect the object or area from harm; or
 - (d) the relevant authorised officer already knew, or ought to have known, the location of the object or area; or

- (e) the object or area was not Aboriginal heritage.

106. Power of seizure

An authorised officer may seize an object from any person or area if –

- (a) the authorised officer reasonably believes that –
 - (i) the object is Aboriginal heritage; and
 - (ii) an offence has been committed under this Act in respect of the object; or
- (b) the object is a document and the authorised officer reasonably believes that –
 - (i) the document is an Aboriginal heritage permit or other document issued or approved under this Act; and
 - (ii) an offence has been committed under this Act that relates to the Aboriginal heritage permit or other document; or
- (c) the authorised officer reasonably believes that the object has been used in, or in connection with, the commission of an offence under this Act; or

- (d) the authorised officer reasonably believes that the object is, or may be, evidence that relates to an offence under this Act.

107. Dealing with objects, documents or things seized

- (1) In this section –

related proceedings, in relation to an object seized under section 106, means proceedings for an offence under this Act in relation to which the object was seized.

- (2) If an authorised officer seizes an object from a person under section 106, the authorised officer must, within 7 days after the object is seized, give the person a receipt for the seized object that –
 - (a) describes the seized object and its condition; and
 - (b) identifies the authorised officer; and
 - (c) states the time, and the location, at which the object was seized; and
 - (d) is in a form approved by the Secretary.
- (3) As soon as practical after an authorised officer seizes an object from a person under section 106, the authorised officer must transfer the object –
 - (a) to the custody of the Council, or another person nominated by the Council to receive such objects, if the authorised

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- officer knows, or believes, that the seized object is Aboriginal heritage; or
- (b) in any other case, to the custody of the Secretary.
- (4) A person with care or charge of an object seized under section 106 must –
- (a) take all reasonable steps to keep the seized object securely; and
- (b) if related proceedings are not commenced within 3 years after the object is seized, return the seized object to the owner at the end of that period; and
- (c) if related proceedings are commenced within 3 years after the object is seized, return the object to its owner at the conclusion of those proceedings unless the court hearing the related proceedings orders the forfeiture or destruction of the object.
- (5) In addition to any other order that it may make in respect of related proceedings, the court hearing the related proceedings may, on its own initiative or on the application of the Council or the Secretary –
- (a) order that an object seized under section 106 be forfeited to the Council or the Secretary, if the court is of the opinion that –

-
- (i) the seized object has been used for the purpose of committing an offence; or
 - (ii) it is reasonable in the circumstances to order its forfeiture; or
- (b) order the destruction of an object seized under section 106, if the court is of the opinion that it is reasonable in the circumstances to do so.
- (6) If a court orders the forfeiture of an object under this section –
- (a) the Council or Secretary may dispose of the object as it thinks fit; and
 - (b) no compensation is payable to any person in respect of the seizure or forfeiture of the object.

108. Power to require persons to leave protected places

- (1) In this section –

protected place means –

- (a) a registered Aboriginal heritage site; or
- (b) an Aboriginal heritage place; or
- (c) an area that is the subject of a protection order; or

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- (d) an area in respect of which a stop order is in force.
- (2) An authorised officer may require a person to leave a protected place if the authorised officer reasonably suspects that the person has committed, is committing or is about to commit an offence against this Act.
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made of the person under subsection (2).

Penalty: Fine not exceeding 50 penalty units.

109. Power of arrest

- (1) In this section –

endorsed authorised officer means an authorised officer who –

- (a) is a police officer; or
- (b) also holds a position, under another Act, that authorises the person to use powers of arrest under that Act.
- (2) An endorsed authorised officer may arrest, without warrant, any person who the endorsed authorised officer believes has committed, is committing or is about to commit one or more of the following offences, without apparent reasonable excuse:

-
- (a) a refusal or failure to comply with a requirement under section 104 –
 - (i) to state the person’s name and address; or
 - (ii) to produce evidence of the person’s name or address; or
 - (b) in response to a requirement under section 104, stating a name or address that the endorsed authorised officer reasonably believes to be false; or
 - (c) a failure to give to an authorised officer anything in the person’s custody, or under the person’s control, that an authorised officer is entitled to seize under this Act, if requested to do so by an authorised officer; or
 - (d) a refusal or failure, without apparent reasonable excuse, to comply with a requirement under section 108 to leave a protected place.

Division 3 – Offences relating to authorised officers

110. Person must comply with request of authorised officer

A person must not, without reasonable excuse, refuse or fail to comply with a requirement made to the person by an authorised officer under this Act.

Penalty: Fine not exceeding 50 penalty units.

111. Obstruction of authorised officer

A person must not –

- (a) obstruct, hinder, intimidate or improperly influence; or
- (b) attempt to obstruct, hinder, intimidate or improperly influence –

an authorised officer in the performance of the functions and the exercise of the powers of an authorised officer.

Penalty: Fine not exceeding 100 penalty units.

112. Assault of authorised officer

A person must not assault, abuse or threaten an authorised officer, or a person assisting an authorised officer, or encourage another person to do so.

Penalty: Fine not exceeding 100 penalty units.

113. False and misleading statements

A person must not, in giving any information under this Act –

- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter from a statement knowing that without that matter the statement is false or misleading.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

Division 4 – Offences generally

114. Infringement notices

(1) In this section –

infringement offence means an offence against this Act, or the regulations, that is prescribed as an infringement offence.

(2) An authorised officer may issue and serve an infringement notice on a person if the authorised officer reasonably believes that the person has committed an infringement offence.

(3) An infringement notice –

(a) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and

(b) is not to relate to more than 3 offences.

(4) An infringement notice may not be served on an individual who has not attained 18 years of age.

(5) The regulations –

(a) may prescribe, for infringement offences, the penalties payable under infringement notices; and

- (b) may prescribe different penalties for bodies corporate and individuals.

115. Offences by employees or agents

- (1) If an employee or agent commits an offence under this Act, the employer or the principal of the agent is taken to have committed the same offence.
- (2) Despite subsection (1), it is a defence in proceedings against an employer or principal for an offence if the defendant establishes that –
 - (a) after taking all reasonable precautions and exercising all due diligence, the defendant could not have prevented the offence; or
 - (b) the defendant did not know, and could not reasonably have been expected to know, that the offence was to be committed.
- (3) An employer or principal may be proceeded against, or convicted, for an offence in accordance with this section whether or not the employee or agent has also been proceeded against for, or convicted of, the offence.
- (4) It is not a defence in proceedings for an offence under this Act if the defendant was, at the time at which the offence was committed, an employee or agent acting for, or on behalf of, another person, unless the defendant establishes that –

- (a) at the time at which the offence was committed, the defendant was acting under the direction or supervision of –
 - (i) the owner of the object, area or vehicle in respect of which the offence was committed; or
 - (ii) another person representing that owner; and
- (b) the actions of the defendant that constitute the offence were as a direct result of that direction or supervision; and
- (c) the defendant could not reasonably have known that those actions would constitute, or result in, an offence under this Act.

116. Offences by bodies corporate

- (1) Each person who is a member of the governing body of a body corporate, or who is concerned in the management of a body corporate, is taken to have contravened a provision of this Act if –
 - (a) the body corporate contravenes, whether by act or omission, that provision; and
 - (b) the person knowingly, or negligently, authorised or permitted the contravention.
- (2) A person may be proceeded against for, or convicted of, an offence in accordance with this

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section whether or not the body corporate or another eligible person has also been proceeded against for, or convicted of, the offence.

- (3) Nothing in this section affects any liability that may be imposed on a body corporate for an offence committed under this Act by the body corporate.

117. Presumption of state of mind

- (1) Unless otherwise specified, in proceedings for an offence under this Act it is not necessary for the prosecution to prove any intention, or state of mind, to establish that the offence has been committed.
- (2) Subsection (1) does not apply in respect of an offence under the regulations unless otherwise specified in the regulations.

118. Time for instituting proceedings

- (1) Proceedings for an offence against a provision of this Act must be commenced no later than 3 years after the date on which evidence of any act or omission constituting the offence first came to the attention of any authorised officer.
- (2) Subsection (1) has effect despite section 26 of the *Justices Act 1959* or any other law.

PART 11 – MISCELLANEOUS

119. Delegation

- (1) The Minister may delegate any of the Minister’s responsibilities under this Act other than –
- (a) this power of delegation; and
 - (b) the power, under section 17 or under Schedule 1 –
 - (i) to appoint a person to, or remove a person from, the Council; and
 - (ii) to appoint or remove a person as the chairperson of the Council; and
 - (c) the power to compulsorily acquire an Aboriginal heritage place, or Aboriginal heritage site, in accordance with section 30; and
 - (d) the power, under section 54(1)(b), to require a land activity to have an approved management plan; and
 - (e) the power to grant access to the Register in accordance with section 98(2)(a); and
 - (f) the power to issue guidelines under section 120; and
 - (g) the power to issue protection orders under Division 2 of Part 6; and

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- (h) the power to approve, or refuse to approve, management plans under Division 4 of Part 6.
- (2) The Secretary may delegate any of the Secretary's responsibilities under this Act, other than this power of delegation.

120. Ministerial guidelines

- (1) The Minister may issue guidelines in relation to any one or more of the following:
 - (a) the administration of this Act;
 - (b) the process for the preparation of a management plan to be considered by the Minister under section 67;
 - (c) matters relating to Aboriginal heritage including, but not limited to, its management, documentation and assessment;
 - (d) other prescribed matters.
- (2) Without limiting the generality of subsection (1), Ministerial guidelines may –
 - (a) provide for differing levels of assessment of Aboriginal heritage including, but not limited to, different standards and methodologies that may be used for those assessments; and
 - (b) provide for the engagement and use of Aboriginal heritage consultants,

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archaeologists and other relevant experts,
in specified circumstances.

- (3) The Minister may issue, amend or revoke Ministerial guidelines –
- (a) on the Minister’s own initiative; or
 - (b) at the written request of the Council.
- (4) Before issuing, amending or revoking any Ministerial guidelines under this section –
- (a) the Minister –
 - (i) must consult with the Council;
and
 - (ii) if the Ministerial guidelines relate to Aboriginal land, must consult with the Aboriginal Land Council; and
 - (iii) may consult with such other persons as the Minister considers appropriate; and
 - (b) after completing the consultation required under paragraph (a), the Minister must release a draft of the Ministerial guidelines for consultation with the public for a period of at least 4 weeks.
- (5) The Minister is to publish notice in the *Gazette* of the issuance, amendment or revocation of Ministerial guidelines under this section.

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- (6) Ministerial guidelines, or an amendment to or the revocation of Ministerial guidelines, take effect on –
- (a) the day on which the guidelines, or the amendment or revocation of the guidelines, are notified in the *Gazette*; or
 - (b) such later day as may be specified in that notice.

121. Approval by Parliament

If a document is required, under this Act, to be approved by each House of Parliament, the document is taken to be approved by a House of Parliament if a copy of the document has been laid on the table of the House of Parliament and –

- (a) it is approved by the House; or
- (b) at the expiration of 10 sitting-days after a copy of the document was laid on the table of the House, no notice has been given of a motion to disallow it or, if such notice has been given, the notice has been withdrawn or the motion has been negated; or
- (c) if a notice of motion to disallow the document is given during that period of 10 sitting-days, the notice is, after the expiration of that period, withdrawn or the motion is negated.

122. Effect of destruction of certain Aboriginal heritage

- (1) An object or area ceases to be Aboriginal heritage for the purposes of this Act if –
 - (a) an Aboriginal heritage permit is issued, or management plan is approved, that recognises that the object or area may be destroyed under the permit or plan; and
 - (b) an action is taken, or is not taken, in good faith, under the authority of that permit or plan which results in the destruction of the object or area as recognised in the permit or plan.
- (2) Subsection (1) does not prevent a person from being prosecuted, or found guilty, in respect of the destruction of Aboriginal heritage other than in accordance with this Act, an Aboriginal heritage permit or an approved management plan.

123. Recovery of certain costs

- (1) The Secretary may charge a person (the *liable person*) a fee for any action taken by the Department, or an authorised officer, in relation to the person or the property of the person if, in the opinion of the Secretary, it is reasonable to do so.
- (2) A fee charged under subsection (1) is to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the action taken.

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- (3) A fee charged under subsection (1) –
 - (a) is a debt due and owing to the Department by the liable person; and
 - (b) may be recovered by the Department.
- (4) A decision under this section to charge a fee is an administrative decision under section 129.

124. Certain money to be used for purposes of Act

- (1) The Minister is to ensure that the following amounts are to be used for a purpose under this Act or a purpose relating to Aboriginal heritage generally:
 - (a) any payment made in respect of an infringement notice under this Act;
 - (b) any penalties payable in respect of an offence under this Act;
 - (c) any other prescribed fee, charge or amount.
- (2) For the purposes of subsection (1), a purpose relating to Aboriginal heritage generally includes, but is not limited to, the following purposes:
 - (a) the purpose of research relating to Aboriginal heritage;
 - (b) the purpose of works undertaken to protect, or preserve, Aboriginal heritage;

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- (c) the purpose of interpreting Aboriginal heritage to improve understanding of its nature and values;
 - (d) a prescribed purpose.
- (3) Before an amount specified in subsection (1) is used for a purpose under this Act or a purpose relating to Aboriginal heritage generally, the Minister must consult with the Council in respect of the purpose for which the amount is to be used.

125. Service of notices

A notice or other document is effectively served, lodged or given under this Act if –

- (a) in the case of a natural person, it is –
 - (i) given to the person; or
 - (ii) left at or sent by post to the person’s postal or residential address or place or address of business last known to the server of the notice or other document; or
 - (iii) emailed to the person’s email address given for the purpose of service; and
- (b) in the case of any other person, it is –
 - (i) left at or sent by post to the person’s principal or registered

office or principal place of business; or

- (ii) emailed to the person's email address given for the purpose of service.

126. Protection from liability

A member of the Council, or other person, does not incur any personal liability for an act done or omitted to be done by the member or person in good faith in, or in relation to –

- (a) the exercise or performance, or purported exercise or performance, of a power or function under this Act; or
- (b) the administration or execution, or purported administration or execution, of this Act.

127. Application procedures generally

- (1) In this section –

relevant decision-maker means the person to whom an application under this Act is required to be made.

- (2) In addition to any other requirement specified under this Act, an application in respect of any matter under this Act is to be –
 - (a) in a form approved by the relevant decision-maker; and

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-
- (b) lodged with the relevant decision-maker;
and
 - (c) accompanied by the prescribed fee, if
any; and
 - (d) supported by such evidence or
information as the relevant decision-
maker requires, either at the time of
lodgement or subsequently.
- (3) A relevant decision-maker may refuse to accept
a document purporting to be an application
under this Act if the relevant decision-maker is
satisfied that –
- (a) the document fails to comply with
subsection (2) in a material way; or
 - (b) the document –
 - (i) is the same as, or substantially
similar to, an unsuccessful
application made by the same
applicant, to the same relevant
decision-maker, within the
preceding 12 months; and
 - (ii) does not contain any material
differences when compared to the
previous application.
- (4) The relevant decision-maker is to return a
document refused under subsection (3) to the
purported applicant, with a statement –

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- (a) that the document is not an application for the purposes of this Act; and
- (b) of the reasons as to why the document is not an application under this Act.

128. Waiver and refund of fees

- (1) In this section –

relevant authority, in respect of a fee or charge, means the person to whom the fee or charge is required to be paid under this Act.

- (2) A relevant authority in respect of a fee or charge may waive or refund the whole or any part of the fee, or charge, that is payable, or paid, under this Act.

129. Appeals

- (1) In this section –

administrative decision means a decision –

- (a) that is specified in this Act as an administrative decision under this section; or
- (b) that is prescribed as an administrative decision for the purposes of this section;

appeal includes an application for review.

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-
- (2) A person who is aggrieved by an administrative decision may appeal to the Tasmanian Civil and Administrative Tribunal in relation to the decision.
 - (3) An application for the appeal is to be made within 14 days after the day on which the applicant is notified of the administrative decision to which the appeal relates.
 - (4) An appeal under this section is to be heard and determined in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.

130. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
 - (a) impose fees in respect of any matter under or relating to this Act, and prescribe the amount of those fees; and
 - (b) provide for any matter relating to –
 - (i) Aboriginal heritage; and
 - (ii) Aboriginal heritage permits, management plans, Aboriginal heritage assessments and Aboriginal heritage agreements, including matters relating to their preparation and approval; and

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- (iii) audits, stop orders, interim stop orders and protection orders; and
 - (iv) the mapping, recording or documentation of Aboriginal heritage, including the recognition, for any purpose related to the objects of this Act, of any such maps, records or documents; and
 - (v) the registration of Aboriginal heritage; and
 - (vi) the procedure for applying for registration of Aboriginal heritage and any registration criteria; and
 - (vii) whether or not there is a right to appeal in respect of decisions made under the regulations; and
- (c) may provide for exemptions, in whole or in part, from the operation of this Act or any of its provisions.
- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time approved, determined, applied or regulated by the Minister, the Council or the Secretary.

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- (5) The regulations may –
- (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (6) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any codes, standards, guidelines or other documents relevant to the objects of this Act, whether or not those codes, standards, guidelines or other documents are published or issued before or after the day on which this Act or any particular provision of this Act commences.
- (7) A reference in subsection (6) to codes, standards, guidelines or other documents includes a reference to an amendment of those codes, standards, guidelines or other documents, whether the amendment is published before or after the day on which this Act or any particular provision of this Act commences.
- (8) The regulations may –
- (a) provide for savings and transitional matters necessary or expedient for bringing this Act into operation; and

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- (b) provide for any of those savings or transitional matters to take effect on the day on which this Act or any particular provision of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

131. Status of certain instruments under Act

For the avoidance of doubt, orders, notices, directives, criteria, codes and guidelines made, issued or adopted under this Act are not –

- (a) statutory rules for the purposes of the *Rules Publication Act 1953*; or
- (b) subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

132. Review of Act

- (1) The Minister is to review this Act within 5 years after the day on which this section commences.
- (2) The Minister is to cause a report on the outcome of the review to be tabled in each House of Parliament within 6 months after completion of the review under this section.

133. Administration of Act

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

- (a) the administration of this Act is assigned to the Minister for Aboriginal Affairs; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Natural Resources and Environment Tasmania.

134. Savings and transitional provisions

The savings and transitional provisions set out in Schedule 4 have effect.

135. Legislation repealed

The legislation specified in Schedule 5 is repealed.

SCHEDULE 1 – MEMBERSHIP OF COUNCIL

Section 17(5)

1. Interpretation

In this Schedule –

member means member of the Council.

2. Term of office

- (1) A member is appointed for such period not exceeding 3 years as is specified in the member's instrument of appointment.
- (2) A member may be reappointed for no more than 2 further terms.

3. Holding other office

The holder of an office who is required by the terms of employment to devote the whole of the office holder's time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

4. Application of *State Service Act 2000*

- (1) The *State Service Act 2000* does not apply in relation to a member in the member's capacity as a member.
- (2) A person may hold the office of member in conjunction with State Service employment.

5. Remuneration and conditions of appointment

- (1) A member is entitled to be paid such remuneration and allowances as the Minister determines.
- (2) A member who is a State servant is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member holds office on such conditions in relation to matters not provided for by this Act as are specified in the member's instrument of appointment.

6. Vacation of office

- (1) A member vacates office if the member –
 - (a) dies; or
 - (b) resigns by written notice given to the Minister; or
 - (c) is removed from office under subclause (2).

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- (2) The Minister may remove a member from office if –
- (a) the member is absent from 3 consecutive meetings of the Council without the permission of the other members; or
 - (b) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) the member fails to declare a direct or indirect pecuniary interest, in accordance with Schedule 2 or 3, and the Minister is satisfied that the failure is significant enough to warrant the member's removal from office; or
 - (d) the member is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer; or
 - (e) the member has benefited from, or claimed to be entitled to benefit from, any agreement or arrangement made by or on behalf of the Council other than an agreement or arrangement for a service ordinarily supplied or received by the Council on the same terms as that service is supplied or received by other persons in the same situation; or

- (f) the member is convicted of an offence under this Act; or
 - (g) the Minister is satisfied that the member is unable to perform adequately or competently the duties of office.
- (3) If the office of a member becomes vacant, the Minister may appoint an Aboriginal person to the vacant office for the remainder of that member's term of office.
- (4) For the avoidance of doubt, the Minister may remove a member appointed under subclause (3) in accordance with this clause.
- (5) A member must not be removed from office otherwise than in accordance with this clause.

7. Validation of proceedings, &c.

An act or proceeding of the Council, or of a person acting under a direction of the Council, is not invalid solely on the basis that –

- (a) at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member; or
- (b) there is a defect in the appointment of a member; or
- (c) a person appointed as member was disqualified from acting as, or incapable of being, a member.

8. Presumptions

In any proceeding by or against the Council, unless evidence is given to the contrary, proof is not required of –

- (a) the constitution of the Council; or
- (b) the validity of the appointment of any member.

Consultation Draft

SCHEDULE 2 – MEETINGS OF COUNCIL

Section 17(6)

1. Interpretation

In this Schedule –

member means member of the Council;

chairperson means the person appointed under section 17(4) as the chairperson of the Council.

2. Convening of meetings

- (1) The chairperson, after giving each member reasonable notice of a meeting –
- (a) may convene a meeting at any time; and
 - (b) must convene a meeting when requested to do so by 2 or more other members.
- (2) If the chairperson is absent from duty or otherwise unable to perform the duties of the office, a meeting may be convened, after reasonable notice of the meeting has been given, by –
- (a) two or more other members; or
 - (b) a person authorised by the Council to do so.
- (3) The Council may determine what constitutes reasonable notice for the purposes of subclauses (1) and (2).

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- (4) Despite subclauses (1) and (2), the Council must ensure that it meets at least 10 times each calendar year.

3. Presiding at meetings

- (1) The chairperson is to preside at all meetings of the Council at which the chairperson is present.
- (2) If the chairperson is not present at a meeting of the Council, a member elected by the members present at the meeting is to preside at the meeting.

4. Quorum and voting at meetings

- (1) A quorum at a meeting of the Council consists of whichever of the following is the greater number of members:
- (a) a majority of members appointed to the Council;
 - (b) 3 members.
- (2) A meeting of the Council at which a quorum is present is competent to transact any business of the Council.
- (3) At a meeting of the Council –
- (a) the member presiding has a deliberative vote only; and
 - (b) a question is decided –

- (i) by a majority of votes of the members present and voting; or
- (ii) in the negative, if there is an equality of votes of the members present and voting.

5. Conduct of meetings

- (1) The Council may permit members to participate in a particular meeting or all meetings by –
 - (a) telephone; or
 - (b) video conference; or
 - (c) any other means of communication approved by the Council.
- (2) A member who participates in a meeting under a permission conferred under subclause (1) is taken to be present at the meeting.
- (3) The Council may allow a person to attend a meeting for the purpose of advising or informing it on any matter or for any other purpose.

6. Minutes

The Council is to keep accurate minutes of its meetings.

7. Disclosure of interests

- (1) If a member has a direct or indirect pecuniary interest in a matter being considered, or about to

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be considered, by the Council, the member must, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to the Council.

- (2) A disclosure under subclause (1) is to be recorded in the minutes of the Council and, unless the Council otherwise determines, the member who has made the disclosure must not –
 - (a) be present during any deliberation of the Council in relation to the matter; or
 - (b) take part in any decision of the Council in relation to the matter.
- (3) For the purpose of the Council making a determination under subclause (2), the member to whom the determination relates must not –
 - (a) be present during any deliberation of the Council for the purpose of making the determination; or
 - (b) take part in making the determination.
- (4) Subclause (1) does not apply in respect of an interest that arises only because the member is also a State servant.

8. Presumptions

In any proceeding by or against the Council, unless evidence is given to the contrary, proof is not required of –

- (a) any resolution of the Council; or

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- (b) the presence of a quorum at any meeting of the Council.

Consultation Draft

SCHEDULE 3 – COUNCIL COMMITTEES

Section 22

1. Membership of committees

- (1) A committee consists of such number of persons as the Council determines.
- (2) A committee may be composed, wholly or partly, of members of the Council.
- (3) The Council is to appoint a member of the committee as chairperson of the committee.

2. Conditions of appointment

- (1) A member of a committee is entitled to be paid any remuneration and allowances that the Minister determines.
- (2) A member of a committee who is a State servant is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member of a committee holds office for the period, and on the conditions, determined by the Council.

3. Meetings

- (1) Meetings of a committee are to be held in accordance with any directions given by the Council.

- (2) A committee may obtain assistance, information and advice from any person.
- (3) A committee is to keep accurate minutes of its meetings.
- (4) Except as otherwise provided by this Act or directed by the Council, a committee may regulate the calling of, and the conduct of business at, its meetings.

4. Disclosure of interests

- (1) If –
 - (a) a member of a committee has a direct or indirect pecuniary interest, in a matter being considered, or about to be considered, by the committee; and
 - (b) the interest could conflict with the proper performance of the member’s duties in relation to consideration of the matter –
that member, as soon as practicable after the relevant facts come to the member’s knowledge, must disclose the nature of the interest to a meeting of the committee.
- (2) Unless the committee otherwise determines, a member of a committee who has made a disclosure under subclause (1) in relation to a matter must not –
 - (a) be present during any deliberation of the committee in relation to the matter; or

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- (b) take part in any decision of the committee in relation to the matter.
- (3) For the purpose of the committee making a determination under subclause (2), the member of the committee to whom the determination relates must not –
 - (a) be present during any deliberation of the committee for the purpose of making the determination; or
 - (b) take part in making the determination.
- (4) Subclause (1) does not apply in respect of an interest that arises only because a member of the committee is also a State servant.

5. Council may remove committee member

The Council may remove a member of a committee from that office if –

- (a) the member is absent from 3 consecutive meetings of the committee without the permission of the other members; or
- (b) the member fails to declare a direct or indirect pecuniary interest, in accordance with clause 4, and the Council is satisfied that the failure is significant enough to warrant the member's removal from office; or
- (c) the member has benefited from, or claimed to be entitled to benefit from, any agreement or arrangement made by

or on behalf of the committee or the Council other than an agreement or arrangement for a service ordinarily supplied or received by the Council on the same terms as that service is supplied or received by other persons in the same situation; or

- (d) the member is convicted of an offence under this Act; or
- (e) the Council is satisfied that the member is unable to perform adequately or competently the duties of office.

Consultation Draft

**SCHEDULE 4 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 134

1. Interpretation

In this Schedule –

former Act, in any clause, means the *Aboriginal Heritage Act 1975* as in force immediately before the commencement day for that clause;

former Council means the Aboriginal Heritage Council established by section 3 of the *Aboriginal Heritage Act 1975*.

2. References to former Act

(1) On the day on which this clause commences (the *commencement day*), a reference in any Act or other document to the former Act is taken, if appropriate, to be or to include a reference to this Act.

(2) On the day on which this clause commences (the *commencement day*), a reference in any Act or other document to an Aboriginal relic is taken, if appropriate, to be or include a reference to Aboriginal heritage.

3. Aboriginal Heritage Council continued

(1) On the day on which this clause commences (the *commencement day*), if members have not been

appointed to the Council established by section 16 of this Act, the former Council, as constituted immediately before the commencement day, is to continue until the Council is appointed under this Act.

- (2) The chairperson of the former Council immediately before the commencement day is taken, on the commencement day, to be the chairperson of the Council on the same terms and conditions.
- (3) A member of the former Council is taken, on the commencement day, to be a member of the Council on the same terms and conditions.
- (4) On the day on which the Council is appointed under this Act –
 - (a) the former Council is dissolved; and
 - (b) any person appointed as a member of the former Council, ceases to be such a member.

4. Permits continued

- (1) A permit issued under the former Act, that is in force immediately before the day on which this clause commences (the *commencement day*), remains in force on and from the commencement day, on the same terms and conditions under which it was issued.
- (2) The former Act, as in force immediately before the commencement day, applies to a permit

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continued in force under subclause (1) while it remains in force.

- (3) For the avoidance of doubt, a person complying with a permit continued in force under subclause (1) is taken to comply with this Act in respect of any action taken in accordance with the permit.

5. Assessment processes continue to apply

- (1) On and from the day on which this clause commences (the *commencement day*), the following codes and procedures are taken to form part of Ministerial guidelines issued under section 120 of this Act:
- (a) the Aboriginal Heritage Tasmania Standards and Procedures, as approved by the Department in October 2024;
 - (b) the Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans, as approved by the Forest Practices Authority on 10 September 2018;
 - (c) the Mineral Exploration Code of Practice, released by Mineral Resources Tasmania in April 2012.
- (2) A code or procedure adopted under this clause is adopted as in force on the commencement day.
- (3) On and after the commencement day, the Minister may, by notice published on a website

operated by or on behalf of the Department, accept an amendment of a code or procedure adopted under this clause by specifying, in the notice –

- (a) the amendment to the code or procedure that is to be adopted for the purposes of this Act; and
 - (b) the date on which that amendment takes effect for the purposes of this Act, being a date that is on or after the date on which the amendment to the code or procedure takes effect.
- (4) For the avoidance of doubt, the adoption of a code or procedure, under this section, may be revoked in the regulations.

6. Reporting of privately owned Aboriginal heritage objects

- (1) A person who, on the day on which this clause commences, owns, has possession of or is in control of an object that is Aboriginal heritage must –
- (a) within 12 months after the commencement of this clause, notify the Secretary, in writing, of the object in the person's ownership, possession or control; and
 - (b) while the object is in the person's ownership, possession or control, take all

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reasonable steps to protect the object
from harm.

Penalty: Fine not exceeding –

- (a) 50 penalty units for an individual or a small business entity; and
 - (b) 100 penalty units for a body corporate other than a small business entity.
- (2) On receipt of written notice in respect of an object under subclause (1)(a), the Secretary is to enter the object in the Register.
- (3) For the avoidance of doubt, nothing in this clause requires an object that is Aboriginal heritage to be surrendered or returned.

7. Database taken to be Register

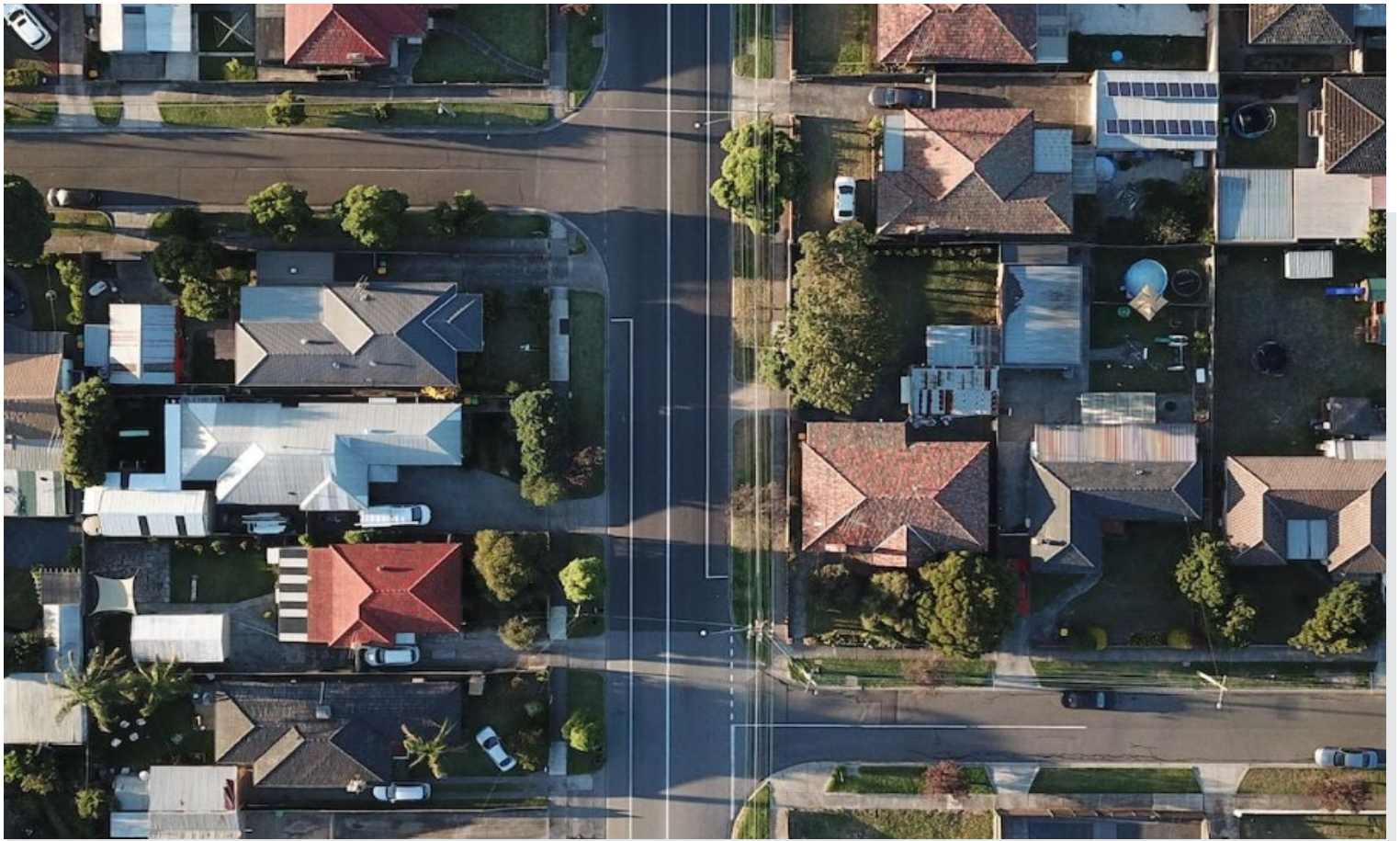
On the day on which this clause commences, the database kept and maintained by the Department in relation to Aboriginal heritage is taken, on and after that day, to be the Register for the purposes of this Act.

SCHEDULE 5 – LEGISLATION REPEALED

Section 135

Aboriginal Heritage Act 1975 (No. 81 of 1975)

Consultation Draft



Draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026

Background Report for Consultation

March 2026

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State Planning Office

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1.0 Introduction

The draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 (the draft Bill) proposes various legislative amendments to the *Land use Planning and Approvals Act 1993* (LUPA Act) and the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP Act).

The proposed amendments broaden the scope for making SPPs amendments and introduce fairer processes for LPS and LPS amendment assessments, specifically for when the Tasmanian Planning Policies (TPPs) and new regional land use strategies (RLUSs) comes in effect. It also clarifies the development application assessment timeframes and the management of long-term leases in the planning system for renewable energy and other utility infrastructure.

The main elements of the draft Bill propose amendments that:

- 1) allow the State Planning Provisions (SPPs) of the Tasmanian Planning Scheme (TPS) to include maps, such as statewide overlay maps;
- 2) broaden the scope for making ‘interim SPPs amendments’ under section 30NB of the LUPA Act on advice from the Tasmanian Planning Commission (the Commission);
- 3) clarify the Local Provisions Schedule (LPS) criteria in section 34 of the LUPA Act in relation to the application of the TPPs;
- 4) include a fairer process for the assessment of draft LPSs and LPS amendments when a new or amended RLUS is declared;
- 5) include a fairer process for the assessment of draft LPS amendments when the TPPs become effective on 1 July 2026;
- 6) clarify the process and timeframes for councils to give notice to an applicant when a request for additional information on a development application has been satisfied and when the assessment ‘clock’ recommences;
- 7) clarify the development application assessment timeframes when council offices are closed between Christmas and New Year;
- 8) modify the definition of ‘subdivision’ in the LGBMP Act to exclude a long-term lease relating to renewable energy infrastructure or other utility infrastructure from being considered a subdivision.

These amendments are a result of issues identified by councils, Local Government Association of Tasmania (LGAT), the Commission, and the State Planning Office.

The amendments proposed through the draft Bill are considered a priority for requiring urgent attention to improve clarity and processes delivered by the LUPA and LGMBP Acts and are not considered to significantly alter the existing policy setting of the provisions being amended.

The purpose of this report is to provide background context on the draft Bill to support understanding and to help inform submissions received during the consultation period.

2.0 Glossary

The following acronyms and abbreviations are used in this report:

Draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 (consultation version)	Draft Bill
<i>Land use Planning and Approvals Act 1993</i>	LUPA Act
<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	LGBMP Act.
Local Provisions Schedule	LPS
regional land use strategy	RLUS
Southern Tasmania Regional Land Use Strategy	STRLUS
State Planning Office	SPO
State Planning Provisions	SPPs
Tasmanian Planning Commission	Commission
Tasmanian Planning Policies	TPPs
Tasmanian Planning Scheme	TPS

3.0 Amendments in detail

The following section provides a more thorough overview of each of the elements, as identified above, of the draft Bill including the provisions of the Act that are proposed to be amended and the justification for those amendments.

3.1 SPPs to include maps - Part 2 clause 4 of the draft Bill

Clause 4 of the draft Bill proposes to amend section 14 of the LUPA Act, which specifies what the SPPs may and may not contain. Section 14(1)(a) of the LUPA Act states that the SPPs may contain any provision that section 11 of the LUPA Act allows, which generally allows the TPS to “*make any provision which relates to the use, development, protection or conservation of any land*”. Section 14(1)(g) of the LUPA Act further provides that the SPPs may require or permit a LPS to contain an overlay map.

At present all overlay maps in the TPS are contained in each council’s LPS, including maps for the various natural hazards (i.e. landslip, bushfire, coastal erosion and coastal

inundation) generated by the Tasmanian Government. This was intentional at the time as it was important to link the public consultation on the overlay maps with the zoning maps contained in each LPS when the TPS was first brought into effect. The intention was then to consider including some overlay maps in the SPPs, particularly those for natural hazards, to enable future updates to be made as a single amendment to the SPPs instead of coordinating 29 LPS amendments.

Closer scrutiny of the LUPA Act has revealed that the SPPs cannot include a map and as such an amendment is required to allow for the spatial application of the SPPs. This amendment would allow the timely implementation of the updated landslip hazard maps, the future statewide flood mapping from SES's Strategic Flood Mapping Project and provide a streamlined approach for other overlays that are consistent across LPSs.

To achieve this intent, the draft Bill proposes to insert an additional subsection after section 14(1)(g) of the LUPA Act. The additional subsection is based on the equivalent subsection for LPSs in section 32(2)(e) of the LUPA Act including the various options for spatially applying the SPPs. The proposed changes are shown by underline below:

14. Contents of State Planning Provisions

(1) The SPPs –

- (a) may contain any provision that may, under section 11, be included in the Tasmanian Planning Scheme; and*
- (b) may not contain a provision that is inconsistent with section 11 or, if the Tasmanian Planning Scheme were in effect in relation to a municipal area, would be inconsistent with a provision of section 12; and*
- (c) may contain a provision indicating or specifying the structure to which an LPS is to conform and the form that a provision of an LPS is to take; and*
- (d) may contain a provision permitting an LPS to provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and*
- (e) may contain a provision permitting a provision of an LPS to override a provision of the SPPs; and*
- (f) may contain a provision permitting the modification, in relation to a part of a municipal area, of the application of a provision of the SPPs; and*
- (g) may contain a provision requiring, or permitting, an LPS to contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land; and*

(ga) may contain a map, overlay, list, or other provision that provides for the spatial application of the SPPs to land; and

(h) may contain a provision requiring an LPS to contain a provision of a kind specified or referred to in the SPPs.

As an example, this amendment to the LUPA Act would provide a simplified process for amending the Landslip Hazard Code in the TPS to include the latest landslip hazard area mapping prepared by Mineral Resources Tasmania. This would involve making a single SPPs amendment through the process outlined in Part 3, Division 2 of the LUPA Act. The updated landslip hazard area overlay would supersede the landslip hazard area overlays in each LPS. The updated overlay would be made operational through consequential amendments to clause LP1.7 in the SPPs and the 'landslip hazard area' definition in the Landslip Hazard Code. The outdated overlays would remain the each LPS, temporarily, but they would have no effect.

The outdated LPS landslip hazard area overlays could then be deleted through the following steps:

- Minister directs each council to prepare a draft LPS amendment to delete the outdated overlays to ensure consistency with the SPPs in accordance with section 40C(1)(a) of the LUPA Act.
- The State Planning Office (SPO) assists each council to prepare the draft LPS amendment for lodgement with the Commission.
- The council certifies the draft LPS amendment in accordance with section 40F of the LUPA Act and lodges with the Commission.
- The council requests the Commission to provide an exemption from the need to publicly exhibit the draft LPS amendment due it being for the purpose of removing an inconsistency between the LPS and the SPPs in accordance with section 40I(2)(b)(vi) of the LUPA Act.
- The Commission then approves the LPS amendment to delete the landslide hazard area overlay from the LPS.

3.2 Broader scope for interim SPPs amendments - Part 2 clause 5 of the draft Bill

The LUPA Act was amended in 2021 to allow the making of interim SPPs amendments, like the process for making interim planning directives applying to older planning schemes under the former LUPA Act. Planning directives were similar to the SPPs in that they provided for the statewide implementation of planning requirements through planning schemes.

Interim SPPs amendments have immediate effect while they go through the public consultation and independent assessment process run by the Commission. They remain in

effect for up to 12 months, or until the amendment has been finally approved following the Commission's assessment process.

Section 30NB(4) of the LUPA Act provides a narrower scope for making interim SPPs amendments compared to interim planning directives. There were no criteria under the former LUPA Act limiting the scope for making interim planning directives, other than they could only be issued by the Minister on the recommendation of the Commission.

Interim SPPs amendments can only be made if the Minister is satisfied, after receiving advice from the Commission, that it is "*necessary or desirable in order to urgently address issues relating to a natural or environmental hazard, public health, public safety*" or a circumstance or matter prescribed by Regulation. The Minister must also be satisfied that it is in the public interest to give effect as soon as practicable to the SPPs amendment. SPPs amendments related to the implementation and operation of the Container Refund Scheme are the only circumstances prescribed in regulation 21 of the *Land Use Planning and Approvals Regulations 2024* for making interim SPPs amendments.

Broadening the scope for making interim SPPs amendments would enable more immediate changes across a range of circumstances if considered necessary or desirable to urgently address planning issues.

The draft Bill proposes to amend section 30NB of the LUPA Act by providing an additional criteria allowing the Minister to issue an interim SPPs amendment on any other matter recommended by the Commission. In accordance with section 30NB(a) and (b), the Minister will still be required to be satisfied that the interim SPPs amendment is '*necessary or desirable in order to urgently address issues...*' and that '*it is in the public interest to give effect as soon as practicable to the provision*'.

The draft Bill proposes the following modifications as shown by underline and ~~strikethrough~~ below:

(4) *The Minister may only make an interim SPPs amendment under subsection (3)(a) in the terms of some or all of the provisions of a draft amendment of the SPPs, modified, if at all, as the Minister thinks fit, if the Minister is satisfied that –*

(a) it is necessary or desirable to make the interim SPPs amendment in order to urgently address issues relating to a natural or environmental hazard, public health, public safety or a ~~prescribed circumstance or matter~~ safety, a prescribed circumstance or matter or any other matter recommended by the Commission; and

(b) it is in the public interest to give effect as soon as practicable to the provisions of the draft amendment of the SPPs contained in the interim SPPs amendment.

3.3 Modifications to the LPS criteria relating to TPPs and RLUSs – Part 2 clause 6 and Part 3¹ clause 10 of the draft Bill

These clauses of the draft Bill propose modifications to section 34 of the LUPA Act to clarify the application of the TPPs and provide transitional provisions to support implementation of the TPPs and the RLUSs that are currently undergoing reviews in accordance with section 5A(8) of the LUPA Act.

The LPS criteria in section 34 of the LUPA Act require a 'relevant instrument' (i.e. a LPS amendment) to satisfy the relevant criteria in relation to the TPPs. Section 34(2A) of the LUPA Act outlines the relevant criteria stating that an LPS amendment "*satisfies the relevant criteria in relation to the TPPs if –*

- (a) *where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
- (b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs."*

The drafting of these provisions is unnecessarily complex when all it provides is a distinction between the assessment to be undertaken against the TPPs before and after the regional land use strategies and the SPPs have been review for consistency with the TPPs. Essentially, what needs to be demonstrated in either situation is that the LPS amendment is consistent with the TPPs.

The draft Bill proposes to delete the existing provisions of section 34(2A) of the LUPA Act and, similar to the application of State Policies to a 'relevant planning instrument', simply require it to be consistent with the TPPs.

Following the making of the TPPs, section 5A(8) of the LUPA Act requires the RLUSs to be reviewed to be consistent with the TPPs. A reviewed Southern Tasmania Regional Land Use Strategy (STRLUS) is likely to be declared prior to the Commission having completed its assessment of the draft Kingborough LPS, which is the only remaining LPS to be approved. This will have implications for the assessment of the draft LPS, which was prepared under the current version of the STRLUS. Under the current requirements, if the new STRLUS were to be declared before completion of the draft Kingborough LPS, it would need to be considered under the newly declared STRLUS.

¹ Part 3 of the draft Bill includes those provisions that are to be retrospectively applied to 1 July 2026 should the draft Bill not achieve Royal Assent by that date when the TPPs become effective. All other provisions become effective upon Royal Assent. See Part 1 clause 2 (1) and (2) of the draft Bill.

To prevent delays and a re-assessment of the draft Kingborough LPS against a new STRLUS, the draft Bill proposes savings provisions that apply the RLUS that was in effect on 30 June 2026 for the purpose of the assessment of the Kingborough draft LPS.

For similar reasons, it is also proposed to include savings provisions for directions made under section 35KB(1) of the LUPA Act. This applies when the Commission requires an LPS to be substantially modified by way of an LPS amendment after the LPS has come into effect. The proposed savings provisions require that the amendment is considered against the version of the RLUS at the time the direction was made under section 35KB(1) of the LUPA Act. For any direction issued under section 35KB(1) for a substantial modification to the Kingborough draft LPS, the policy is that it should be considered against the version of the RLUS in effect at the time the council provided its section 35F(1) report to the Commission.

Given the reviewed RLUSs may be declared part way through the assessment of an LPS amendment, savings provisions have been included to require the draft amendment to be considered in accordance with the relevant RLUS at the time the draft amendment was certified under section 40F of the LUPA Act. This provides a much fairer process for determining LPS amendments avoiding confusing and complicated assessment processes.

Similarly, the draft Bill proposes savings provisions for the application of the TPPs, specifically for draft LPS amendments that are not yet determined at the time the TPPs become effective on the 1 July 2026. To provide a fairer assessment process, the draft Bill proposes that any draft LPS amendment that has been certified under section 40F of the LUPA Act prior to the TPPs becoming effective on 1 July 2026, the draft LPS amendment does not need to be consistent with the TPPs. The certification stage is considered to be the most appropriate delineation point in the assessment process as this is the formal decision by council to progress the draft LPS amendment. All draft LPS amendments certified after the 1 July 2026 will be required to be consistent with the TPPs. Given the lead time between the Minister making the TPPs and them becoming effective, applicants and decision makers should be aware of the obligations.

To address any potential delays with the draft Bill being progressed, approved and applied, the provisions relating to the application of the TPPs to draft LPS amendments (new clause 34(4) as provided in clause 10 of the draft Bill) are taken to have commenced on 1 July 2026 consistent with the date the TPPs become effective.

In addition, the draft Bill also includes provisions that exclude draft LPS amendments, required by a direction under section 35KB(1) of the LUPA Act, from having to be consistent with the TPPs. This applies to the draft Kingborough LPS any other LPS amendments, required by direction under section 35KB(1) of the LUPA Act, that are yet to be determined.

The draft Bill achieves the policy intent discussed above by making the following modifications to section 34 of the LUPA Act as shown by underline and ~~strikethrough~~ below:

34. LPS criteria

(1) In this section –

relevant planning instrument means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with [section 32](#) ; and

(c) furthers the objectives set out in [Schedule 1](#) ; and

(d) is consistent with each State policy; and

~~(da) satisfies the relevant criteria in relation to the TPPs; and~~

~~(da) is consistent with the TPPs; and~~

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which ~~is situated~~ the land to which the relevant planning instrument relates is situated, being the regional land use strategy in force at the relevant time; and

(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates; and

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#) .

~~(2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –~~

~~(a) where the SPPs and the relevant regional land use strategy have not been reviewed under [section 30T\(1\)](#) or section [section 5A\(8\)](#) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and~~

~~(b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under [section 30T\(1\)](#) or section [section 5A\(8\)](#) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with [section 12B\(3\)](#), as to the manner in which the TPPs are to be implemented into the LPSs.~~

(2A) For the purpose of subsection (2)(e), the relevant time is –

(a) in the case of a draft LPS or an LPS, the time at which the relevant planning authority provides the Commission with a report under section 35F(1); or

(b) in the case of a draft amendment of an LPS, or an amendment of an LPS, prepared pursuant to a direction under 35KB(1), the time at which the planning authority provides the Commission with a report under section 35F(1); or

(c) in the case of a draft amendment of an LPS, or an amendment of an LPS, that is not prepared pursuant to a direction under 35KB(1), the time at which the draft of the amendment is certified under section 40F.

(3) An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.

(4) Subsection (2)(da) does not apply in relation to an amendment of an LPS if -

(a) the draft of the amendment of the LPS is certified under section 40F before 1 July 2026; or

(b) the draft of the amendment of the LPS was prepared pursuant to a direction issued under section 35KB(1) and the TPPs are not effective at the time the planning authority provides the Commission with a report under section 35F(1).

3.4 Notification of satisfaction of additional information requests – Part 2 clause 7 of the draft Bill

Section 54(3) of the LUPA Act requires council to notify the applicant within 8 days from receiving additional information it does not satisfy the original request for additional information. There is no equivalent provision for notifying the applicant that the additional information provided has satisfied the council's request for additional information. This causes some uncertainty for the applicant and potential confusion for when the statutory assessment timeframe has recommenced. The requesting of additional information causes the statutory assessment timeframe to stop until that request is satisfied. There is

uncertainty when the assessment timeframe restarts with there being no requirement for a council to notify the applicant.

To address these issues, the draft Bill proposes to amend section 54 of the LUPA Act to require the council to give notice to the applicant within 8 days of receiving information in response to an additional information request if the council is satisfied with the information provided. The draft Bill also clarifies that the relevant period referred to under sections 57(6)(b) or 58(2) of the LUPA Act does not run during the following period:

- the date the planning authority gives notice under section 54(1); and
- the date that the planning authority gives notice that the additional information request has been satisfied.

The relevant provisions of section 54 of the LUPA Act, including those proposed for modification by the draft Bill, are shown by underline and ~~strike through~~ below:

54. Additional information

(1) A planning authority that receives an application for a permit (other than a permit referred to in [section 40T](#)) may –

(a) if the permit sought is a discretionary permit, by notice in writing served on the applicant within the period of 21 days from the day on which it receives the application; or

(b) if the permit sought is not a discretionary permit, by notice in writing served on the applicant within the period of 14 days from the day on which it receives the application –

require the applicant to provide it with additional information before it considers the application.

.....

~~*(2) If the planning authority requires the applicant to provide it with additional information, the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run while the request for information has not been answered to the satisfaction of the planning authority.*~~

(2) If the planning authority gives notice under subsection (1) requiring the applicant to provide additional information, the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run for the period beginning on the day on which the notice under subsection (1) is served on the applicant and ending on the day on which the planning authority gives notice under subsection (3)(a) that the request for additional information has been answered to its satisfaction.

.....

~~(3) The planning authority must, within 8 business days from the day it receives the additional information under subsection (1), notify the applicant if the request for information has not been answered to its satisfaction and in that notification require the applicant to provide it with the additional information.~~

(3) The planning authority must, within 8 business days after the day on which it receives the additional information under subsection (1), notify the applicant in writing –

(a) whether the request for information has been answered to its satisfaction; and

(b) if it is not satisfied, require the applicant to provide it with the additional information and advise the applicant that the timeframes referred to in section 57(6)(b) or 58(2) have not recommenced.

3.5 Clarification of timeframes under section 57 – Part 2 clause 8 of the draft Bill

Section 57(5AA) of the LUPA Act allows for an extension of time for the consultation period of a discretionary application where the planning authority's office is closed during normal business hours. A subsequent decision on a discretionary application must be made before the expiration of 42 days from receiving a valid permit. The existing provisions allow for the consultation period to be extended as a result of office closures but does not apply the same extension of time to the timeframes allowed by council to make a determination on the development application.

In response to this issue raised by councils, the draft Bill proposes the following amendment (shown by ~~strikethrough~~ and underline) to Section 57(5AA) of the LUPA Act which clarifies its subsequent interaction with section 57(6)(b):

57. Applications for discretionary permits

.....

~~(5AA) If the time period specified in subsection (5) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.~~

(5AA) If the time period specified in subsection (5) includes any days on which the office of the planning authority is closed during normal business hours, the period is extended by one additional day for each such day, and the time period referred to in subsection (6)(b) is extended by the same number of days.

3.6 Long-term leases for renewable energy and other utility infrastructure – Part 3 clause 10 of the draft Bill

The LGBMP Act deems a lease of land exceeding, or capable of exceeding, 10 years to be subdivision. This means that the lease is subject to the requirements for the approval of a plan of subdivision under Part 3 Division 2 of the LGBMP Act and the TPS. The TPS, like planning schemes before it, defines subdivision in accordance with the LGBMP Act with some minor differences. Section 122 of the LGBMP Act also means that it prevails over any other legislation or planning scheme.

In these circumstances, long-term leases get caught in the subdivision approval and finalisation processes, which are essentially designed for creating new titles. These historic procedures have been carried through various Acts over the years and are now in the LGBMP Act and the TPS. There is a broader work program to review and repeal the LGBMP Act.

There are unintended consequences with deeming long-term leases to be subdivision, particularly for renewable energy and other utilities infrastructure.

While the SPO is not aware of any previous issues raised when issuing the long-term leases for wind farms projects already operating in the state, such as the wind farm at the Woolnorth Windfarm or Granville Harbour, there remains sufficient legal uncertainty which ought to be rectified. To address this, the draft Bill proposes to amend the LGBMP Act by clarifying that a long-term lease for renewable energy and other utilities infrastructure are not deemed to be a subdivision. Some other Australian states have also recently made similar changes to their legislation governing subdivision approvals.

The draft Bill proposes the following amendment to the definition of 'subdivide' in section 80(1) of the LGMBP Act as shown by underline and ~~strikethrough~~ below:

80. Interpretation of Part 3

(1) *In this Part –*

....

subdivide means to divide the surface of a block of land by creating estates or interests giving separate rights of occupation otherwise than by –

(a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building; or

(b) a lease of air space around or above a building; or

(c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years; or

(d) the creation of a lot on a strata scheme or a staged development scheme under the [Strata Titles Act 1998](#) ; or

(e) an order adhering existing parcels of land; or

(f) a lease or licence for the installation, operation or maintenance of telecommunications facilities, renewable energy infrastructure or other utility infrastructure that is reasonably necessary for or incidental to those purposes.

4.0 Next Steps

A copy of the draft Bill is available for viewing and download on the SPO's Planning in Tasmania website at <https://www.stateplanning.tas.gov.au/>

The draft Bill will be on consultation for 6 weeks from 30 March to 11 May 2026.

Submissions are invited during that time and can be emailed to:

haveyoursay@stateplanning.tas.gov.au

Following the consultation period the submissions will be reviewed with the issues raised informing modifications to the draft Bill prior to tabling in Parliament towards the middle of the year.

TASMANIA

**LAND USE PLANNING AND APPROVALS
(MISCELLANEOUS AMENDMENTS) BILL 2026**

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Consultation Version

**LAND USE PLANNING AND APPROVALS
(MISCELLANEOUS AMENDMENTS) BILL 2026**

*(Brought in by the Minister for Housing and Planning, the
Honourable Kerry John Vincent)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and the *Local Government (Building and Miscellaneous Provisions) Act 1993*

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

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land Use Planning and Approvals (Miscellaneous Amendments) Act 2026*.

2. Commencement

- (1) Except as provided by this section, the provisions of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Part 3 commences on the day on which this Act receives the Royal Assent, but if this Act does not receive the Royal Assent by 1 July 2026 that Part is taken to have commenced on that date.

Land Use Planning and Approvals (Miscellaneous Amendments)
Act 2026
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s. 3

Part 2 – Land Use Planning and Approvals Act 1993 Amended

**PART 2 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

3. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

4. Section 14 amended (Contents of State Planning Provisions)

Section 14(1) of the Principal Act is amended by inserting after paragraph (g) the following paragraph:

- (ga) may contain a map, overlay, list or other provision that provides for the spatial application of the SPPs to land; and

5. Section 30NB amended (Interim SPPs amendments)

Section 30NB(4)(a) of the Principal Act is amended by omitting “safety or a prescribed circumstance or matter” and substituting “safety, a prescribed circumstance or matter or any other matter recommended by the Commission”.

*No. 70 of 1993

*Land Use Planning and Approvals (Miscellaneous Amendments)
Act 2026
Act No. of 2026*

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 6

6. Section 34 amended (LPS criteria)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting paragraph (da) from subsection (2) and substituting the following paragraph:

(da) is consistent with the TPPs; and

- (b) by omitting from subsection (2)(e) “is situated”;

- (c) by inserting in subsection (2)(e) “is situated, being the regional land use strategy in force at the relevant time” after “relates”;

- (d) by omitting subsection (2A) and substituting the following subsection:

(2A) For the purposes of subsection (2)(e), the relevant time is –

- (a) in the case of a draft LPS or an LPS, the time at which the relevant planning authority provides the Commission with a report under section 35F(1); or

- (b) in the case of a draft amendment of an LPS or an amendment of an LPS

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

prepared pursuant to a direction under section 35KB(1), the time at which the planning authority provides the Commission with a report under section 35F(1); or

- (c) in the case of a draft amendment of an LPS or an amendment of an LPS that is not prepared pursuant to a direction under section 35KB(1), the time at which the draft of the amendment is certified under section 40F.

7. Section 54 amended (Additional information)

Section 54 of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsection:

- (2) If the planning authority serves a notice under subsection (1) requiring the applicant to provide additional information, the relevant period referred to in section 57(6)(b) or 58(2) does not run for the period beginning on the day on which the notice under

*Land Use Planning and Approvals (Miscellaneous Amendments)
Act 2026
Act No. of 2026*

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 7

subsection (1) is served on the applicant and ending on the day on which the planning authority gives notice under subsection (3)(a) that the request for additional information has been answered to its satisfaction.

(b) by omitting subsection (3) and substituting the following subsection:

(3) The planning authority must, within 8 business days after the day on which it receives the additional information under subsection (1), notify the applicant in writing –

(a) whether the request for information has been answered to its satisfaction; and

(b) if it is not satisfied, require the applicant to provide it with the additional information and advise the applicant that the timeframes referred to in section 57(6)(b) or 58(2) have not recommenced.

Land Use Planning and Approvals (Miscellaneous Amendments)
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Part 2 – Land Use Planning and Approvals Act 1993 Amended

8. Section 57 amended (Applications for discretionary permits)

Section 57 of the Principal Act is amended by omitting subsection (5AA) and substituting the following subsection:

- (5AA) If the time period specified in subsection (5) includes any days on which the office of the planning authority is closed during normal business hours, the period is extended by one additional day for each such day, and the time period referred to in subsection (6)(b) is extended by the same number of days.

*Land Use Planning and Approvals (Miscellaneous Amendments)
Act 2026
Act No. of 2026*

Part 3 – Land Use Planning and Approvals Act 1993 Further Amended

s. 9

**PART 3 – LAND USE PLANNING AND APPROVALS
ACT 1993 FURTHER AMENDED**

9. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

10. Section 34 amended (LPS criteria)

Section 34 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) Subsection (2)(da) does not apply in relation to an amendment of an LPS if –
- (a) the draft of the amendment of the LPS was certified under section 40F before 1 July 2026; or
 - (b) the draft of the amendment of the LPS was prepared pursuant to a direction issued under section 35KB(1) and the TPPs are not effective at the time the planning authority provides the Commission with a report under section 35F(1).

*No. 70 of 1993

*Land Use Planning and Approvals (Miscellaneous Amendments)
Act 2026
Act No. of 2026*

Part 5 – Repeal of Act

s. 13

PART 5 – REPEAL OF ACT

13. Repeal of Act

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

Consultation Version



Preventing delays in development assessment timeframes

Position Paper



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1.0 Introduction

The Tasmanian Government is committed to delivering an improved planning system. It is actively considering ways to reduce unnecessary delays for decisions on development applications.

The process for assessing development applications allows for councils (acting as planning authorities) to request additional information from the applicant under section 54 of the *Land Use Planning and Approvals Act 1993* (the Act). Additional information may be required to determine compliance with the requirements in the Tasmanian Planning Scheme (the TPS). A request for additional information results in the statutory assessment timeframe being paused until the required information has been provided to the satisfaction of the council. This is often referred to as stopping the assessment 'clock'.

Anecdotal concerns have raised that development applications assessments can be unnecessarily delayed due to additional information requests. The purpose of this Position Paper is to explore the issues and identify potential options to improve the process for managing additional information requests, to avoid unnecessary delays. The Position Paper considers all development applications, not just those related to housing, to better understand the range of issues that may contribute to slowing the development assessment process. This will allow tailored improvements to be made to the planning system.

The Position Paper outlines the existing legislative framework for certain development assessment processes that could contribute to delays or cause confusion with determining statutory assessment timeframes, including where the assessment 'clock' stops when the applicant receives a request for additional information. The Position Paper has target questions to help guide the consultation outcomes to identify the extent of the issue and possible solutions.

Submissions received in response to the Position Paper will be analysed by the State Planning Office (the SPO) with recommendations for action presented to the Minister for Housing and Planning for consideration.

2.0 Glossary

The following acronyms and abbreviations are used in this Position Paper:

The Act	<i>Land Use Planning and Approvals Act 1993</i>
EPA	Environment Protection Authority
SPO	State Planning Office
SPPs	State Planning Provisions
TasCAT	Tasmanian Civil and Administrative Tribunal
TPS	Tasmanian Planning Scheme

3.0 Legislative framework

Councils are ‘planning authorities’ under the Act with defined roles and responsibilities in determining permit applications for use and development (development applications) within its municipal area in accordance with the provisions contained within Part 4, Divisions 1 and 2 of the Act.

Section 48 of the Act requires that:

“where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use and development undertaken within the areas to which the planning scheme relates”

When a planning authority receives a valid development application it is bound to assess it in accordance with the Act which establishes timeframes for certain tasks to be performed.

The Act requires that an application for a discretionary development is determined within 42 calendar days and 28 calendar days for a permitted development. Longer assessment timeframes apply for applications involving State Heritage listed properties or level 2 activities under the *Environmental Management and Pollution Control Act 1994* that are subject to assessment by the Environment Protection Authority (EPA).

To undertake an assessment of a development application and to fulfil its obligations under section 48 of the Act, a planning authority may ask the applicant for additional information.

The following sections of the Position Paper identify parts of the development application process related to additional information requests, particularly steps in the process or issues that could contribute to confusion regarding the commencement, stopping, recommencement and conclusion of the statutory assessment ‘clock’.

3.1 Receipt of a valid development application

A person proposing a use or development, that requires approval under the TPS, must submit a development application to the relevant planning authority. The planning authority is obliged to accept the application if it is a ‘valid’ application and it includes a declaration that the applicant has:

- notified the owner of the intention to make the application, if they are not the owner; or
- obtained the written permission of the owner if it relates to Crown land or council-owned land¹.

¹ See section 51(1AB) of the Act

Section 51(1AC) of the Act specifies that a 'valid' application is one "*that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.*"

Section 51A(3) of the Act outlines that the assessment timeframe commences on the day that the fee is paid for a valid application.

The application requirements for the TPS are specified under clause 6.1 of the State Planning Provisions (the SPPs). This includes a list of information that must accompany an application at clause 6.1.2 and other information at clause 6.1.3 that the planning authority may require depending on the nature of the use and development proposed in the application. A copy of the application requirements in clause 6.1 of the SPPs is provided in Attachment 1.

Determining that a development application is 'valid', along with the payment of fees, is important as this is the point when the statutory assessment timeframe (i.e. the assessment clock) commences.

Clause 6.1.2² was drafted with the intention of specifying the relevant information that was required to make a 'valid' application for the purposes section 51(1AC) of the Act. Clause 6.1.2 of the TPS states that:

An application must include:

- (a) a signed application form;*
- (b) any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;*
- (c) details of the location of the proposed use or development;*
- (d) a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and*
- (e) a full description of the proposed use or development.*

Clause 6.1.3 of the TPS then specifies the information that the planning authority may require to allow it to assess compliance with the requirements (e.g. the relevant use and development standards) of the planning scheme. Section 54 of the Act specifically allows the planning authority to request additional information for the purposes of clause 6.1.3 of the TPS.

² Clause 6.1.2 in the TPS is based on clause 8.1.2 in Planning Directive No. 1 which was contained in all interim planning schemes prior to the TPS coming into effect. Clause 8.1.2

It is in the applicant's best interests to provide all information that may be required in accordance with clause 6.1.3 of the TPS. It reduces the likelihood of an additional information requests during the assessment process. However, it was not intended as a measure of a 'valid' application.

Different interpretations for determining when a development application is 'valid' leads to uncertainty and inconsistency within the planning system. It could contribute to confusion regarding the commencement of assessment timeframes and the use of additional information request process under section 54 of the Act.

Suggestions have been made that clause 6.1.2 of the SPPs could be amended to clarify that it specifies the "relevant information required by the planning scheme" to be a valid application for the purposes of section 51(1AC) of the Act.

The following consultation questions seek to explore opportunities for improving determination of a valid application.

CONSULTATION QUESTIONS:

- 1) Could improvements be made to the Act to help clarify the requirements for a 'valid' application? For example, could section 51A of the Act be improved to clarify the process for the payment of fees and the commencement of the statutory assessment timeframe?**
- 2) Should clause 6.1.2 of the SPPs be amended to clarify that it specifies the minimum requirements for a 'valid' application for the purposes of the Act?**
- 3) Is further guidance required on what an application must include to be a 'valid' application? If so, what guidance information would assist?**
- 4) Are there any other improvements that could be made to the Application Requirements in clause 6.1 of the SPPs that could assist with the assessment process?**

3.2 Statutory assessment timeframes

Once a planning authority has received a valid application, and the fees have been paid, the statutory assessment clock commences. The assessment timeframe is 28 calendar days for the assessment of a permitted application³ or 42 calendar days for a discretionary application⁴. The timeframes for discretionary applications involving a State heritage listed property may be extended to 56 days if the Tasmanian Heritage Council requires more time to consider the application. Applications that are assessed by the EPA as Level 2 activities have longer assessment timeframes.

³ In accordance with section 58 of the Act.

⁴ In accordance with section 57 of the Act.

Section 51A of the Act outlines the process for a planning authority demanding the payment of fees and the commencement of the statutory assessment clock. This section was included in the Act in 2020 to help clarify the commencement of the assessment process. A copy of section 51A of the Act is provided at Attachment 2.

There are various timeframes expressed in the Act that relate to the statutory assessment timeframes, including in other legislation related to TasWater, the Tasmanian Heritage Council, and the EPA. Some timeframes are expressed in calendar days and others as business days. Section 29 of the *Acts Interpretation Act 1931* also has requirements for calculating timeframes specified in legislation, including when the specified timeframe ends on a Sunday or public holiday.

Unless an extension of time has been sought and agreed between the applicant and the planning authority prior to the expiry date, an application that is not determined within the relevant assessment timeframe is subject to section 59 of the Act. Section 59(1) of the Act states that in these circumstances an application is “deemed to constitute a decision to grant a permit on conditions to be determined by the Appeal Tribunal” (Tasmanian Civil and Administrative Tribunal (TasCAT)),

The planning authority must within 7 days of the expiry of the statutory period give notice to the applicant, the Heritage Council (if involved), and any person who made a representation, that it has failed to determine the development application within the required timeframe. The applicant may apply to TasCAT to have the application determined. However, the planning authority can still make a decision on the development application at any time before an applicant applies to TasCAT.

If TasCAT is required to determine the application, they can either:

- grant a permit with or without conditions; or
- refuse to grant a permit if it is a discretionary application.

While Section 59(1) of the Act nominally states that a failure to determine an application within the statutory timeframe is a deemed approval, this is not entirely the case. TasCAT will consider the application afresh and may refuse a discretionary application.

Other functions of the assessment process must take place in accordance with the timeframes provided under the Act. Because a failure to perform these functions within certain timeframes has consequences for both the applicant and planning authority, knowing what day the assessment clock is at is critical to both parties.

The following consultation questions will help to understand how the assessment clock is managed and the way that that information is made available to the applicant. This will assist to identify issues and provide opportunity for potential improvement and consistencies across councils.

CONSULTATION QUESTIONS:

- 5) What mechanisms do councils use to monitor the development application assessment 'clock' to ensure it is performing its statutory functions in accordance with the Act?**
- 6) Can you identify situations where the applicant and the council have disagreed regarding assessment timeframe?**
- 7) Are there any other improvements that could be made to the development application process that would make managing the assessment timeframes easier and more transparent?**

3.3 Request for additional information

Section 54 of the Act allows the planning authority to request additional information from the applicant where the application lacks the necessary information for the planning authority to undertake an assessment against the provisions of the planning scheme. A copy of section 54 of the Act is provided in Attachment 3 for information.

A request for further information must be made in writing to the applicant within 21 calendar days for a discretionary application, or 14 calendar days for a permitted application, from the day on which the planning authority receives an application. TasWater, the Tasmanian Heritage Council and the EPA may also request additional information via the planning authority within the specified timeframes.

The assessment clock stops from the date the applicant is notified of the request for additional information and does not recommence until the planning authority is satisfied that the request has been met. There are no limits on the number of additional information requests that can be made. However, only those requests that are made within the first 21 or 14 calendar days, respectively, for discretionary and permitted applications, result in the assessment clock stopping.

Section 54(3) of the Act requires that within eight business days of receiving a response to an additional information request, the planning authority must notify the applicant that the information provided does not satisfy the planning authority's request and that the applicant is to provide the additional information as requested. It is noted that there is no equivalent provision to notify the applicant that the additional information request has been satisfied. There is also no statutory requirement that the planning authority advise the applicant of the date that the assessment clock has recommenced.

A notification under section 54(3) of the Act often involves explaining why the planning authority is not satisfied with the information and clarification around what matters remain outstanding.

Section 54(2A) of the Act allows for the applicant to appeal a request for additional information. Where TasCAT determines that the planning authority ought to have been

satisfied with the information provided by the applicant, the assessment clock recommences 7 days after that determination.

The Act provides the framework for requesting additional information including a set process, the scope of what can be requested and a process for testing the request through TasCAT.

The following matters are fundamental considerations of the assessment process.

- The planning authority is bound to apply the planning scheme.
- In applying the planning scheme, the planning authority needs to have enough information to undertake an assessment of a development application in accordance with the planning scheme.
- It is the responsibility of the applicant to provide the planning authority with the necessary information to allow it to assess the development application in accordance with the planning scheme.
- The development application lapses if the applicant does not respond to the additional information request within 2 years, unless a longer timeframe has been agreed.
- If the planning authority makes a decision on application without the necessary information to make an informed assessment against the planning scheme, the planning authority runs the risk of its decision being difficult to defend in the event of an appeal to TasCAT.

There has been anecdotal evidence of misuse or criticism of the process that has caused frustration and delays. These matters include:

- Time delays caused by stopping the 'clock' are a result of applicants failing to provide the necessary information to a level of detail required by the planning authority to undertake an assessment against the relevant planning scheme provisions;
- Disagreement over the level of detail in the information required by the planning authority;
- Concerns with a planning authority making, or a perception of, multiple requests for additional information within the required timeframe;
- Planning authorities are asking for additional information outside the specified timeframe;
- Applicants are confusing the planning authority providing clarification of additional information already requested with a request for the provision of new information;

- Planning authorities are asking for additional information outside of what is required by the planning scheme;
- Requests for additional information is being used by the planning authority to unreasonably stall the determination of development applications;
- The planning authority should advise the applicant when the request for additional information has been satisfied, and the assessment clock has recommenced;
- The process already allows for checks and balances through the ability for an applicant to appeal an additional information request; and
- Appealing additional information requests are costly and add further delays.

The matters raised above identify an underlying tension between the requirements of the planning authority and expectations of applicants.

The following consultation questions are seeking examples where the process may have been misused to help establish the scope and extent of the issue. Comments are also invited on ways to improve efficiencies with requests for additional information and whether that could be achieved through legislation or providing education and advice to the sector.

CONSULTATION QUESTIONS:

- 8) Can you provide any examples where you believe the additional information process has been misused?**
- 9) Is there scope to improve the process for a review of an additional information request or a response to an additional information request? If so, can you suggest how this might occur?**
- 10) Should there be a limit on the number of additional information requests that can be made during the first 21 days and 14 days, respectively, for discretionary and permitted applications?**
- 11) Is further clarity required between the additional information requests that can be made by the planning authority and that from TasWater, the Tasmanian Heritage Council, or the EPA?**
- 12) Do councils collect data on the number of additional information requests that could be provided through a centralised data collection service use as the Council Consolidated Data Collection service?**
- 13) Are there any other measures that could be adopted to improve the process for requesting and responding to additional information requests?**

4.0 Next Steps

Responses on the targeted questions for consultation are welcomed, and on any other matters raised in this Position Paper or related to the additional information requests and the development application assessment process.

Written submissions addressing the consultation questions and any related matters are invited until 8 May 2026 by email to the State Planning Office:

haveyoursay@stateplanning.tas.gov.au

Submission received on the Position Paper will provide evidence of the issues that will be further analysed. This will help provide a greater understanding of where the pressure points are in the system and what can be done to address them.

Attachment 1 – Clause 6.1 of the State Planning Provisions

6.1 Application Requirements

- 6.1.1 An **application** must be made for any **use** or **development** for which a **permit** is required under this planning scheme.
- 6.1.2 An **application** must include:
- (a) a signed **application** form;
 - (b) any written permission and declaration of notification required under s.52 of the **Act** and, if any document is signed by the delegate, a copy of the delegation;
 - (c) details of the location of the proposed **use** or **development**;
 - (d) a copy of the current certificate of title for all **land** to which the **permit** sought is to relate, including the title plan; and
 - (e) a full description of the proposed **use** or **development**.
- 6.1.3 In addition to the information that is required by clause 6.1.2, a **planning authority** may, in order to enable it to consider an **application**, require such further or additional information as the **planning authority** considers necessary to satisfy it that the proposed **use** or **development** will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the **use** or **development** including:
- (a) any schedule of easements if listed in the folio of the title and appear on the plan, where applicable;
 - (b) a **site** analysis and **site** plan at a scale acceptable to the **planning authority** showing, where applicable:
 - (i) the existing and proposed **use(s)** on the **site**;
 - (ii) the boundaries and dimensions of the **site**;
 - (iii) topography including contours showing **AHD** levels and major **site** features;
 - (iv) natural drainage lines, watercourses and wetlands on or **adjacent** to the **site**;
 - (v) soil type;
 - (vi) vegetation types and distribution including any known threatened species, and trees and vegetation to be removed;
 - (vii) the location and capacity and connection point of any existing services and proposed services;
 - (viii) the location of easements on the **site** or connected to the **site**;
 - (ix) existing pedestrian and vehicle access to the **site**;
 - (x) the location of existing and proposed buildings on the **site**;
 - (xi) the location of existing **adjoining** properties, **adjacent** buildings and their uses;

- (xii) any natural hazards that may affect use or development on the site;
 - (xiii) proposed roads, driveways, parking areas and footpaths within the site;
 - (xiv) any proposed open space, common space, or facilities on the site; and
 - (xv) proposed subdivision lot boundaries;
- (c) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
- (i) the internal layout of each building on the site;
 - (ii) the private open space for each dwelling;
 - (iii) external storage spaces;
 - (iv) parking space location and layout;
 - (v) major elevations of every building to be erected;
 - (vi) the relationship of the elevations to existing ground level, showing any proposed cut or fill;
 - (vii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
 - (viii) materials and colours to be used on roofs and external walls.

Attachment 2 – Section 51A of the *Land Use Planning and Approvals Act 1993*

51A. Fees payable for application

(1) In this section –

relevant legislative instrument means –

- (a) this Act or the [Local Government Act 1993](#) ; or
- (b) a regulation made under this Act or a by-law or regulation made under the [Local Government Act 1993](#) ;

valid application for a permit means an application for a permit that is, in accordance with [section 51\(1AC\)](#) , a valid application for a permit for the purposes of [section 51\(1AB\)](#) .

(2) Despite [section 86](#) , a planning authority is not entitled –

(a) to refuse to take an action in relation to determining whether or not an application for a permit is valid; or

(b) to refuse to accept a valid application for a permit –

on the ground that a fee, under a relevant legislative instrument, for an application for a permit has not been paid, unless –

(c) the planning authority has, before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit, demanded the payment of the fee; and

(d) the fee has not been paid within the 21-day period after the day on which the demand is made.

(3) If –

(a) the planning authority has demanded payment of a fee, under a relevant legislative instrument, for an application for a permit before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit; and

(b) the fee has been paid within the 21-day period after the day on which the demand is made –

the application, if it is a valid application, is taken for the purposes of this Act to have been received on the day on which the fee is paid.

(4) If the planning authority has not demanded payment of a fee, under a relevant legislative instrument, for an application for a permit before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit –

(a) the planning authority, despite [section 86](#) , is not entitled to refuse to take any action in relation to the application for the permit; and

(b) the application, if it is a valid application, is taken for the purposes of this Act to have been received on the fifth business day after the day which the person lodges, or attempts to lodge, with the planning authority, the application for the permit.

Attachment 3 – Section 54 of the *Land Use Planning and Approvals Act 1993*

54. Additional information

- (1) A planning authority that receives an application for a permit (other than a permit referred to in [section 40T](#)) may –
- (a) if the permit sought is a discretionary permit, by notice in writing served on the applicant within the period of 21 days from the day on which it receives the application; or
 - (b) if the permit sought is not a discretionary permit, by notice in writing served on the applicant within the period of 14 days from the day on which it receives the application –

require the applicant to provide it with additional information before it considers the application.

(1A) If the period specified in [subsection \(1\)](#) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.

(2) If the planning authority requires the applicant to provide it with additional information, the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run while the request for information has not been answered to the satisfaction of the planning authority.

(2AA) If additional information is not provided, in accordance with a request under [subsection \(1\)](#), within 2 years, or a longer period agreed to by the applicant and the planning authority, after the request is made, the application for a permit, to which the request relates, lapses.

(2A) If the Appeals Tribunal determines that –

- (a) a planning authority had, in good faith, required an applicant under [subsection \(1\)](#) or [\(3\)](#) to provide the authority with additional information; but
- (b) the planning authority ought to have been satisfied with the information provided to the planning authority by the applicant before the requirement was served on the applicant –

the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run for the period beginning on the day on which the requirement was served on the applicant and ending at the end of the day that is 7 clear days after the day on which the determination was made by the Appeals Tribunal.

(3) The planning authority must, within 8 business days from the day it receives the additional information under [subsection \(1\)](#), notify the applicant if the request for information has not been answered to its satisfaction and in that notification require the applicant to provide it with the additional information.





Policy No. 2013 - 19

Asbestos Policy

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Asbestos Policy	Review Date: 31 Dec 2029	Page 1 of 4

1. PURPOSE AND BACKGROUND

To provide a safe place of work and a safe environment for all workers and others from the harmful effects of asbestos fibres, through the provision of regular building inspections and safe work procedures.

Asbestos containing materials (ACM) were widely used in the construction industry from around 1940 to the early to mid-1980s. Asbestos was in some form or manner used in over 3,000 products. Whilst the use of ACM in new building systems has ceased, the presence of ACMs in older building systems is still widespread. ACMs may still be present in Council buildings and facilities in various forms that include, but not restricted to; hot water pipe insulation (lagging), spray-on fireproofing, roofing material, fencing, floor tiles, piping and internal and external wall claddings.

2. DEFINITIONS

Asbestos – means the fibrous form of mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, chrysotile (white asbestos), crocidolite (blue asbestos), tremolite, or any mixture containing one or more of the mineral silicates belonging to the serpentine and amphibole groups.

Asbestos Containing Materials (ACM) – means any material, object, product or debris that contains asbestos.

Worker – A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as an employee, or a contractor or subcontractor, or an employee of a contractor or subcontractor, or an employee of a labour hire company who has been assigned to work in the person’s business or undertaking, or an outworker, or an apprentice or trainee, or a volunteer, or a person of a prescribed class.

3. POLICY STATEMENT

Council is committed to ensuring that asbestos containing material in Council owned facilities and buildings are managed and controlled to protect the health and wellbeing of workers, contractors and the community.

4. APPLICATION

This policy applies to all workers and others of the Central Highlands Council.

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5. LEGISLATION

- *Local Government Act 1993*
- *Work Health and Safety Act 2012*
- *Work Health and Safety Regulations 2022*

6. PROCEDURES

6.1 Asbestos Management Plan

Council is firmly committed to providing an Asbestos Management Plan for the ultimate long-term aim of all buildings and sites, as detailed on the Asbestos Register, controlled by Council are safe and managed in accordance with legislation.

All work conducted on asbestos materials shall be in accordance with current legislative requirements and in such a manner to ensure workers and others are not exposed to asbestos fibres.

6.2 Responsibilities

Managers and Coordinators:

- Implement the Council's Asbestos Management Plan.
- Provide the appropriate personal protective equipment.
- Pursue strategies to control and protect workers from asbestos exposure.
- Ensure Council's Asbestos Removal Standard Operating Procedures are adhered to when workers are handling and removing ACM under the guidelines for allowable quantities and types.
- Only appropriately qualified asbestos removalists are to be engaged to remove asbestos containing materials, when quantities are above the allowable limits and types referred to in the Asbestos Removal Standard Operating Procedures.
- Comply with the legislative requirements and associated Codes of Practice.
- Provide an advisory service and develop awareness on asbestos matters.
- Inspection of buildings and facilities in consultation with the Development and Environmental Services Manager.
- Maintain the Asbestos Register.
- Record incidents or hazards.
- Monitor relevant legislation and review both the policy and the plan regularly.

Workers:

- Must comply with the Asbestos Management Plan and Procedures.
- Will report to Works and Service Manager prior to commencing work on site where asbestos is present.

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- Ensure reasonable precautions are taken to keep people clear of areas where asbestos containing materials are being repaired, removed or upgraded.
- Advise Works and Service Manager where contractors or tradespeople are seen not following safe work practices.
- If a worker suspect there is asbestos in a Council workplace, they should inform their manager or supervisor.
- Ensure Asbestos Removal Standard Operating Procedures are adhered to when workers are handling and removing ACM under the guidelines for allowable quantities and type.

6.3 Accidental Disturbance of Asbestos by Workers

If the situation arises where asbestos is accidentally disturbed by workers, has the potential to be, or has become airborne, Council will minimise the exposure to workers and the general public.

Procedures workers are to follow in the event that there is an accidental or unintentional disturbance of asbestos.

- Stop works in the area immediately.
- Inform the Works and Service Manager or Works Supervisor.
- Evacuate the area.
- Works and Service Manager or Works Supervisor will utilise appropriately qualified asbestos removalist to remove the accidentally disturbed asbestos containing materials ACM.

6.4 Asbestos Register

Council’s Asbestos Register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The Asbestos Register will be accessible, reviewed, revised and otherwise managed in accordance with the *Work Health and Safety Regulations 2022*.

Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos is given a copy of the Asbestos Register.

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Central Highlands Council Strategic Plan

2025

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Introduction

The Local Government Act (1993) requires Council to prepare and review a Strategic Plan as the focus and reference point for the wide range of specific purpose plans & budgets which frame its activities. From consideration of the needs and aspirations of the community Council has identified key strategies to deliver the services, support, infrastructure and facilities associated with our role and responsibility to deliver the social, economic and environmental characteristics which have been identified as important to achieving Central Highlands preferred, sustainable future.

This strategy and the business model designed to implement, manage and as necessary adapt it in the face of change, identifies how Council will utilise current opportunities to generate community wide benefit. It is informed by the significant community and stakeholder engagement which has occurred over the past two years in response to a range of specific challenges and our schedule of community meetings.

It focuses on “where we are, major influences in play and from this, how Council will apply a mix of strategies to get to where we want to be.”

Part One clarifies where we are, major disruptions to Central Highlands and how our strategies can utilise this to develop increased population, better services and more opportunity.

Part Two details our business model we use to develop the strategy and how we translate it into our operational plan and other support plans such as our financial management plan, asset management plan.



Image courtesy of Central Highlands Council

Part One – Situation Analysis and Strategies

1.1. Central Highlands - Current state

Central Highlands is a natural environment haven, providing a unique mix of rural living, production and recreation for its permanent community and those who centre their leisure time on active and passive outdoors pursuits. Our population peaks from late Spring to Autumn when people focus on the fishing accessible from their holiday homes. Visitors use the long days to experience the diversity of experiences available and seasonal contractors and workers come to prepare for and harvest crops. This established pattern is experiencing a shock, - the acceleration and scale of new investment in further renewable energy construction and operations. This sets the scene for Council's strategic plan and our challenge of ensuring the flow of benefits from this investment into community resilience and wellbeing.

Central Highlands provides a permanent home to 2,585 people¹, of these 1,098 are in employment, 435 in primary industry, 153 in accommodation and food service and 71 in retail. This mirrors the economic profile, except for construction ranking as the second highest in output value. The Census measurement of resident population and output critically underestimates the Central Highlands effective population at any given time, masking the high levels of part-time residents, seasonal and construction workforces, visitors and excludes the value of power generated by Hydro Tasmania providing a diminished perspective of the local economy and its contribution to Tasmania.

Of our 601 families, 309 are couples with no children, 44 of these support dependent students and a further 12 single parent families support students. 170 children attend primary school, 106 secondary school, with 39 participating in vocational training and 26 in university or higher education.

The family structure is reflected in the age profile, the median age of 49 highlighting the 50% proportion of the population being over 50 years of age. With an older population, the relative level of community building from housing development, active sports etc declines and demand for integrated healthcare and supports increases. In the 2021 ABS Census, 959 people (38% of the population) identified as effected by a long-term health condition with 225 who indicated multiple conditions and 189 indicating need for assistance with daily living.

These factors also impact median income levels, with a median household income of \$1,013 per week, to some degree offset by lower weekly rents and/or monthly mortgage repayments. The aggregated result masks the income distributional disparity across Central Highlands, 231 households indicated an income of less than \$500 per week, while 187 households identified a weekly income of greater than \$2,000 per week.

The summary clarifies the hollowed out demographic structure of the Central Highlands community, a relatively lower proportion of 20-40yo population has implications,

- Loss of economic activity from residential investment and development activity,
- Reduced numbers of school age children, and
- Income leakage to other municipalities from "imported" employment

¹ ABS Census 2021

The averaged, historical statistics do not provide a full or balanced picture of the current state and trajectory of Central Highlands economic contribution, population, socio-economic wellbeing and its rural lifestyle and liveability. This strategy is futures-oriented, focusing on generating community benefits from opportunities.

1.2. Central Highlands - The future

Central Highlands is in the early to mid-phase of a major renewable energy development disruption driven by national, state and local responses to climate change. This has followed significant, structural shocks occurring over the past 70 years, including

- The post WW2 hydro power development to stimulate industrialisation across the State,
- The introduction of large-scale irrigation and ongoing diversification to cropping and intensive horticulture as the proportion and intensity of cold days declines, allowing their production at these altitudes,
- The increased capitalisation and digitisation of agriculture, and
- The less visible but emerging from its initial carbon farming base, recognition that land and aquatic ecosystems and biodiversity provide potential income and, for the Central Highlands, new forms of conservation and regeneration income and job potential, including experiential tourism.

The latest renewable energy phase is the most rapid, largest scale investment of these.



Image courtesy of Peter Downie

Despite these prior shocks, the characteristics of the key traditional settlements and overall permanent population level is little changed, with the average permanent resident age of 49, indicating Central Highlands is not capturing the growth and benefit from the planned construction and operations expansion. Residential growth has centred on settlements adjoining trout fishing lakes and, while attracting a small permanent population, are primarily holiday homes. The lack of housing and population places a major constraint on the community achieving sustainable benefit from this private investment.

Analysis indicates that by 2030, the committed multibillion dollar investment in renewable energy infrastructure will result in 237 permanent operations and maintenance jobs. Investment in intensive horticulture is estimated to deliver a further 75 permanent and up to 290 seasonal jobs.

Alongside these production changes, tourism jobs increased by some 20% during the most recent Census period, a clear indicator of increased demand.



Image courtesy of Tarraleah Estate

1.3. Our 2025 – 2030 + Strategic Priorities

These priorities are focused on how our community can capture opportunities arising from investment identified in renewable energy, more intensive agriculture and visitation. The strategy mix is designed to benefit the current permanent and part-time resident community and attract new residents and retain those who without opportunity, may leave.

The mix of strategies are designed to work together and be mutually supportive.

Structural

In conjunction with our long-term strategies Central Highlands strategic priorities for the next 5-10 years are to:

1. **Transform most of the forecast permanent job growth from investment in renewables, increasingly intensive horticulture and recreation development opportunities into permanent resident growth.** This is important in scale and the attraction of residents within the period of their lives where they are employed, establishing homes and businesses, educating their children locally use local facilities and engage in the community. This includes consideration of independent living units to free up larger housing stock and developing housing to match people's later life-cycle needs.
2. **Facilitate improvement in the scope and capacity of primary and community health, emergency response and children's and vocational education access** to support Central Highlands liveability, the safety of workforces associated with construction, seasonal and operational activities and visitation.
3. **Initiate changes to land use policy and zoning to support residential growth in Bothwell, Hamilton, Ouse and Ellendale which matches the rural living/village nature of our settlements,** to define specific purpose precincts such as tourism, intensive horticulture and renewable energy value-add to generate community benefit from this major investment phase.
4. **Consider how the need for construction, seasonal and tourism accommodation can be combined to deliver long term benefit** beyond their specific purpose and subject to this consideration potentially pursue external investment.
5. **Reflect the fact that across Central Highlands specific land uses/activities are not neatly quarantined in single use land packages, the whole place works as series of systemic natural and developed overlays** or adjacent activities where traditional activities and new opportunities combine to generate diversity and create resilience by determining a more strategic, dynamic approach to planning.

Financial Management

The above structural changes and challenges will have a major impact on Council's financial position. Council will pursue the changes in legislation to ensure Council receives rate income and /or payment in lieu of rates (PILOR) from Hydro Tasmania and renewable energy generators.

It will impact how Council applies funds independently as intergovernmental and private/public investment in recognition of how local infrastructure and facilities support statewide economic benefit and provide the critical safety and emergency response capability to enable this major growth in construction and operations to occur, simultaneously improving community access to services.

Some of the strategies, such as the specific purpose precincts, will include investment in amenity and place making infrastructure across the municipality as a catalyst for private investment.

In conjunction with this development focus, recurrent expenditure on both strategic and local assets to maintain condition, implement minor upgrades to reflect changes to use, standards and expectations are essential.

Each new or upgraded asset brings with it an increase in maintenance obligations and cost. Prudent management requires careful consideration of the return to the community from both new investment and existing program costs. Council will utilise a benefit-cost approach to consider community benefit from specific investment opportunities and retention of specific asset and facilities. This “best return” focus flows through into recurrent activities and an active focus on improving productivity through innovation, use of technology and potential further resource sharing.

The potential capital investment program will consider and optimise grant, reserve and loan fund sources based on return and sustainable debt ratios and prudent margins of safety.

Councils' financial management plan and strategies will be updated annually to reflect these strategies, approaches and changes.



Image courtesy of Central Highlands Council

Strategic Assets

Council owns and maintains a diverse range of assets, roads, buildings, parks, recreation and public facilities, waste transfer stations, a cemetery and undeveloped land which has been acquired at various times for specific purposes which have not eventuated. Similarly, some assets are underutilised because they are no longer fit for current purpose or reflect the needs of a prior period.

Councils' road network is complementary to the state road network. State roads cross the municipality providing higher use, heavier transport connections to other parts of the state, with local roads providing lower use local connections. Both are important and work together to provide economic and social connections and emergency service access. They bring with them the need for associated stormwater management and access continuity in the face of emergency events. Council will work with State agencies and seek additional budget allocation to works across the whole network.

Local parks, sports grounds, buildings and facilities make a strategic contribution to liveability and wellbeing by creating amenity and facilitating wellbeing and liveability from their use, provision of local service hubs and the social connections which they facilitate. Other facilities, such as the cemetery, pool and caravan parks, while based on user-pays models require subsidy for their operations. Council will seek specific purpose grant funding to complement its investment in ensuring recreational facilities and other assets are meeting contemporary use and are fit for purpose.

Council's asset management plan has a focus on our road network, informing our maintenance and capital works budget and work plans. Although buildings are recorded in the asset register, there is a need to assess their condition, gaps in their ability to conform to standard and on a benefit-cost basis consider options ranging from basic maintenance, upgrade and disposal.

Council aims to balance its portfolio of assets to ensure they actively and sustainably contribute to the community.



Image courtesy of Tourism Tasmania - Curringa Farm

Community engagement and inclusion

Council is a formal instrument of community engagement and inclusion in governance, with locals making local decisions and representing local views and priorities. Council recognises that many other groups and individuals contribute to the community, its liveability and wellbeing by volunteering, providing services and employing people, sharing interests and organising events and activities. Council supports a wide range of these activities where a clear community benefit is demonstrated.

Council is a filter, gathering issues, concerns and ideas from individuals, organisations and communities and combining this with other information, knowledge in our statutory consideration processes to make informed decisions.

As has been consistently demonstrated, Council is committed to engaging with the community, seeking input and testing our responses to matters impacting the future of our community. Council will continue to schedule sessions with local communities and organisations, consult on specific issues and jointly work with and support organisations making a strong contribution to our community.

This provides the information to support Council's ongoing engagement and lobbying with a focus on State and Federal Government members, key agencies, regional and statewide organisations such as LGAT, NRM, Tourism South.



Image courtesy of Central Highlands Council

Community Wellbeing

Much of the sense of wellbeing that enables people and communities to flourish and fulfil their potential is founded on people's experience of place, where and how people participate in society. While individual values, life stage capabilities and goals vary, the strategies identified above are focused on improving community wellbeing by delivering and facilitating the foundation bundle of recognised beneficial determinants, including

- Access to housing, employment, education and health/care services,
- Physical, digital and social connection,
- Social and civic participation,
- Natural and built environment/amenity, and
- Community informed and focused decision making.

Continuity of our rural, outdoor culture and identity is a key dimension of wellbeing, and our sense of identity is central to much of our economy, recreation and lifestyle. It provides much of our connection between people and place and contributor to wellbeing as an overlay to the above determinants.

Passive and active engagement with the natural environment and outdoors is a further key wellbeing contributor to permanent residents and a driver for part-time residents and visitation. It can be viewed as Central Highland's competitive advantage, one to be enjoyed and promoted, as a culture and heritage based on the natural environment and people interconnection.

Council's strategic focus continues to place a high priority on,

- **Monitoring environmental quality, ensuring protection of water quality and critical ecosystems and supporting conservation and regeneration** through our compliance responsibilities and cooperation with State Agencies, NRM South and local groups. This includes evaluation of the impact of climate change and development of an adaptation strategy to manage identified risk arising from changing weather patterns,
- **Promoting our visitor attractions and advantages** by working with local operators and engaging with Destination Southern Tasmania and the Derwent Valley and Central Highlands Tourism Association in addition to our provision of local facilities and consideration of how we enhance our tourism precincts,
- **Supporting key events that actively promote our culture and increase visitation** to the Central Highlands, including "Bushfest" and the Hamilton Show, and
- **Focus on lobbying State & Federal Governments.**

Environment

The geography, climate, ecosystems and resultant environment have formed the basis of people's interactions with the Central Highlands. It formed the basis for seasonal migratory patterns and the viability of further permanent settlement and development for agriculture, forestry, townships, recreation and power generation.

This remains so. Changes to climatic conditions have altered agricultural practices, changing highlands grazing from a seasonal to ongoing practice, enabling higher value crops and horticulture to become viable as the number of cold days decline.

The creation of carbon markets has monetised the retention of native forest and its switch to carbon sequestration and a further evolution into bio-diversity offsets. The introduction of irrigation has increased the focus on water quality, the role of nutrients in waterways and its impact on water stream ecology.

The changes in weather patterns have resulted in an increase in the incidence of short, intensive rainfall events challenging infrastructure capacity to handle flows and/or increasing flood levels. In infrastructure terms this change impacting the definition was a particular "rainfall event" used as a risk

management design criterion, requiring a re-evaluation of infrastructure in high-risk locations to be re-assessed in terms of its capacity to ensure access and safety. These factors also impact the development approval process from location and design criteria such as wind loads.

These dimensions highlight the key role of environmental factors on community wellbeing. Council's strategic focus continues to place a high priority on,

- Continuation of **environmental monitoring**, water and stream ecosystem quality, invasive species in particular location and supporting early detection of wildfire and other events which pose a landscape wide risk and pre-emptive action to mitigate such risks
- **Ecosystem protection & enhancement** by supporting initiatives from local community organisations and landowners in sensitive, important locations and where spread of risk is likely unless addressed
- **Climate change adaptation** by identifying key risks and preparing adaption plans and business cases to mitigate the risk
- **Continuing to work with agencies and organisations** such as Derwent Catchment, NRM, Southern Tasmanian Regional Waste Authority to ensure coordinated approaches and economies in responses key risks and opportunities.

1.4. Strategy Management, Implementation and Evaluation

The above strategies highlight the interconnected nature of how the community works and the necessity of a strategy mix which utilises all the tools available to Council and the community to ensure Central Highlands is the place Council and the community want it to be.

The business model and methodologies are designed to systemically connect Council's "why, what and how" we deliver our roles and responsibilities to provide the services, support, infrastructure and facilities to achieve these strategies and to adapt as necessary to changing circumstances.

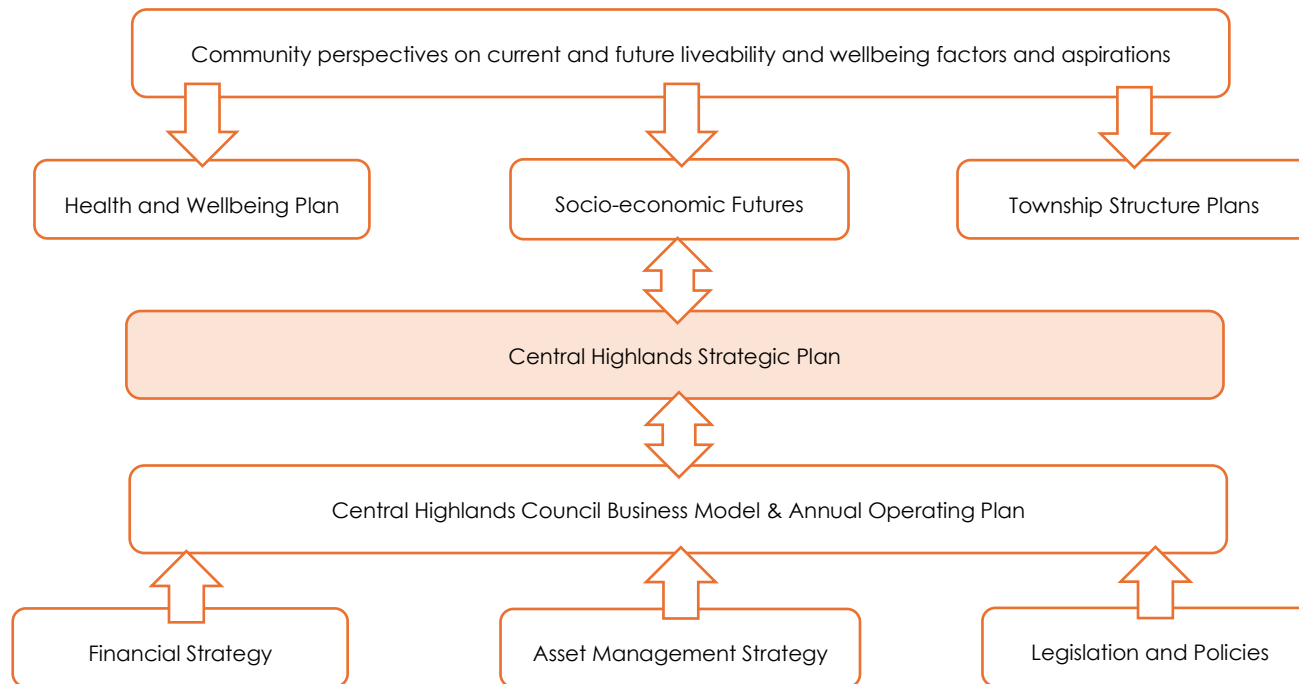
Designed on this model, Council's annual operating plan is included in summary form, allocating key governance and operational responsibilities and associated key performance indicators (KPIs).

Part Two – Council Business Model

2.1. Introduction

Council's 2025 Strategic Plan describes how we will work to contribute to the future liveability, prosperity and resilience of the Central Highlands community.

The Strategic Plan provides the overarching direction for and response to, specific purpose plans such as our financial, economic development, health and wellbeing, strategic land use planning and asset management strategies, and how these are actioned in our annual operating plan and budget.



Councils' business model connects strategic intent and focus with our strategic and operational decision making and activation. This combines our responsibilities under the Local Government Act (1993) and the community priorities identified in the extensive consultation conducted through the development of the Township Structure Plans in association with the Regional Land Use Strategy Review, the Future of Local Government Review process over the past couple of years, from other recent community consultation sessions across the municipality.

While plans are prepared for specific periods, Council recognises that conditions and circumstances change and as necessary, we very likely need to adapt within a shorter timeframe. The business model and our current strategies provide the reference point on which such decisions will be made, ensuring ongoing relevance. As a result, we have adopted a more structured, dynamic approach to strategy designed to better integrate our strategy with annual operations planning, activation and the management of resources to achieve them. This is a contingency and continuous improvement approach based on our development of clear key performance indicators and their measurement.

As a community you've told us many things, and we've drawn them into our governance and business processes in two dimensions

1. Strategic Intent, our purpose, key objectives and strategies, and
2. Our operations and the levers we can adjust to deliver the strategies with a focus on the contribution of the community, performance and productivity.

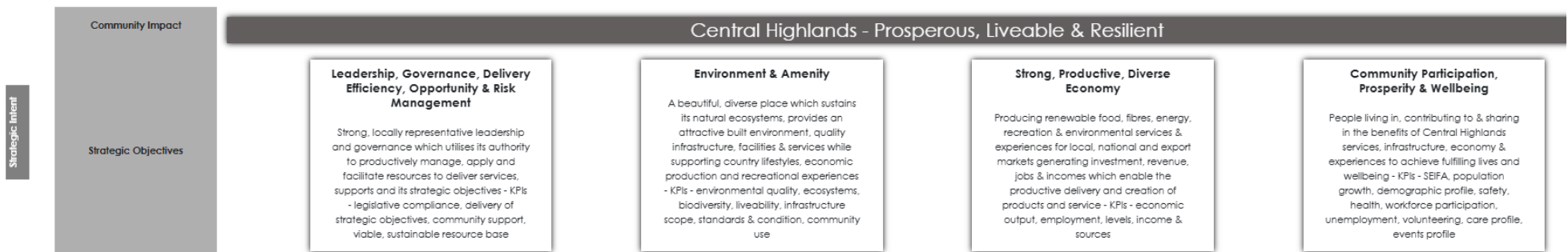
2.2. Our Strategic Intent

In essence, people want to experience, enjoy, share in and contribute to, a liveable, prosperous and resilient place. One which is a good place to live, caters to diverse interests through people's life stages, provides the opportunity to participate socially and economically and to enable us to handle and shape our lives in the face of change. As with any business model, it requires a clear articulation of purpose, why we do what we do, so people can connect to it and we can measure it.

Our strategic objectives and long-term impact we target provide the compass point for each decision made across our roles and responsibilities. Our approach to delivering this impact is focused on four key, interdependent objectives,

1. Strong community leadership and governance
2. Natural and built environment and amenity
3. A strong, productive and diverse economy
4. Community participation, prosperity and wellbeing

The diagram below highlights how these objectives work together to deliver the impact we aim for. If one (or more is not working) it impacts the others. Strong results in one can stimulate improvement in the others. All four are important.



2.3. Why these objectives?

The strategic focus on liveability, prosperity and resilience, and the associated four strategic objectives define our purpose and is based on the following conclusions,

Leadership and governance, delivery efficiency, opportunity and risk management – Leadership occurs across societies and communities as well as within our governance mechanisms. People take formal and informal leadership roles, often within community organisations and by demonstrating as “first movers” reflecting “what is possible”. Council is committed to supporting and complementing this leadership as part of our formal governance role, particularly by supporting groups, bringing opportunities and risks to the table for consideration, and by taking a lead in pursuing best beneficial practice and by bringing the community's interests and needs to the attention of other levels of government. We will measure our performance in ensuring we comply with legislation and regulations, how we're contributing to the four strategic objectives, community respect and support and the sustainability of the civic resource base and management.

Environment and amenity – This focus is on our footprint on the place, how our built environment, infrastructure and land use patterns frame our experience of place, what the place is like to live in and how it passes into future hands. This requires management of our natural environment, its landforms, seasons, differing ecologies, our settlements, their attractiveness and liveability, the stock of land available for building and importantly their infrastructure and the services which make them attractive, connects them up, keeps them in order, deals with waste and protects from hazards. We will measure our performance through the condition and changes to water quality, natural ecosystems and biodiversity and the balanced approach to retaining/developing key landscapes and townscapes that characterise Central Highlands.

Strong, productive, diverse economy – Our economy has always produced renewable, natural products, much for export markets. Its trend towards increased diversity and production intensity is working to reduce the periodic peak and trough cycle. Investment and climate trajectories are combining to strengthen the economy further and deliver new and more fulltime and seasonal job opportunities. Our objective is to support economic development, increase our resident population and to improve the profile of education, health and community risk management activity and services to improve liveability and to also underpin our capacity for increased economic development – a virtuous circle.

Community participation, prosperity and wellbeing – Central highlands is a diverse community with specific and often overlapping interests and values which influence where and how people choose to live and the focus of their time. As lifecycles evolve, so do priorities. The link between local economic operations, employment and resident population is important. As people age, the place also needs to accommodate their needs if people are to remain as residents. This connects liveability and our individual and collective capabilities to wellbeing and the role that the mix of services and facilities play at various lifecycle stages and in the transition from one stage to another, e.g. childcare through school and employment/training. Similarly with social interaction, health and residential care through to multi-generation residential liveability and wellbeing.

2.4. How Council will deliver the Strategic Intent

Councils operate under powers legislated in the Local Government Act (1993) and with complementary roles defined under specific-purpose State legislation. Within this context, and as a level of representative government, councils and councillors communicate and represent the interests of community members both within Council and to other levels of government and industry.

Councils' roles and responsibilities are summarised in the diagram below. They are the tools we have available to deliver and add value across the community and contribute to the objectives identified above.



It is important to consider how we apply these tools in a manner which is technically professional and reflects an approach and behaviours which mirror community values and expectations. In summary, this is identified as being active in working with the Central Highlands community to deliver sustainable benefits.

The following table maps and describes how Council applies our roles and responsibilities defined in the Local Government Act to deliver on our four objectives and their key performance indicators.

The table indicates why we do what we do and how we will measure our performance. At different times or in varied circumstances Council will apply additional effort to specific roles, as identified in 1.3 above.

			Strategic Objectives			
			Leadership, Governance, Delivery Efficiency, Opportunity & Risk Management	Environment & Amenity	Strong, Productive, Diverse Economy	Community Participation, Prosperity & Wellbeing
		Key Performance Indicators	Legislative compliance, delivery of strategic objectives, community support, viable, sustainable resource base	Environmental quality - ecosystems, biodiversity, pollutant levels Amenity - liveability, infrastructure scope, standards & condition, community use	Economic output, diversity, employment, levels, income & sources	Socio-economic indices (SEIFA), Pop growth, demographics, safety, health, workforce participation, unemployment, volunteering, care profile, events profile
Council Roles, Value Chain	Legislative & standards compliance, policy change	Compliance, use of policy & standards to progress opportunities & manage risks	Scanning of changes to identify new opportunities. Financial and operations auditing. Operations systems support, HR development & compliance	Monitoring the natural & developed environments to ensure quality & identify any compliance factors Awareness and utilisation of new policies and standards & opportunities to protect & improve	Awareness and utilisation of new policies, standards & opportunities to protect & improve economy & its benefits	Awareness and utilisation of new policies and standards & opportunities to protect & improve flow-on impact
	Community communication, representation & engagement	Community participation in process, feedback, satisfaction	Provide opportunities for participation, listening to and positively engaging with community to resolve issues and identify opportunities. Marketing & promoting CH, representing its interests to government & investors	Support & work with community organisations to actively contribute to conservation & rehabilitation	Committee structure to support & facilitate economic development	Structured, ongoing communication Actively engaging with a wide spectrum of community organisations. Awareness of their roles and inclusion in key initiatives, events
	Strategy, Policy & Operational Planning	Systemic, organisation wide plans, clear focus, awareness of external factors Achievement of objectives, delivery efficiency. Community alignment	Environmental scanning, analysis and integrated strategic and operational alignment. Integrate across state, local & community responsibilities	Integrate climate change & environment protection, risk mitigation, adaptation & resilience factors into local context	Use CH socio-economic futures strategy to support development & value adding	Use CH Health & Wellbeing Plan to frame, deliver and facilitate services Facilitate service and social infrastructure to optimise use & benefits
	Revenue generation & financial management	Revenue level, sources, equity Budget compliance, productivity, Investment capability	Actively develop & utilise the mix of available revenue sources to productively deliver priority services and infrastructure profile	Evaluate the benefit-cost link between investment in physical assets, environment and social & economic wellbeing	Advance renewables rating model, PILOR & social acceptability support to deliver a mix of strategic & community investment	Co-investment from government, industry & community, grants to complement CH expenditure & investment
	Land use planning & development approval	Development profile, number of applications, appeals, average determination time & time utilisation, compliance	Ensure land use planning identifies and facilitates beneficial use and development whilst managing risks and hazards to protect the community & sustainability. Buildings and their use compliant	Complete local structure planning for all communities, taking into account community values to appropriately protect the environment and improve liveability & amenity.	Identify and facilitate development that leverages our key economic advantages, capabilities and promote sustainable downstream value-add and synergy.	Ensure land use planning improves the attraction and cohesion of our towns and rural communities, encourages employment opportunities for all and steadily increases the standard of living across generations.

		Strategic Objectives				
		Leadership, Governance, Delivery Efficiency, Opportunity & Risk Management	Environment & Amenity	Strong, Productive, Diverse Economy	Community Participation, Prosperity & Wellbeing	
	Key Performance Indicators	Legislative compliance, delivery of strategic objectives, community support, viable, sustainable resource base	Environmental quality - ecosystems, biodiversity, pollutant levels Amenity - liveability, infrastructure scope, standards & condition, community use	Economic output, diversity, employment, levels, income & sources	Socio-economic indices (SEIFA), Pop growth, demographics, safety, health, workforce participation, unemployment, volunteering, care profile, events profile	
Council Roles, Value Chain	Organisational, intergovernmental & business relations, advocacy & facilitation	Profile of supportive, meaningful relationships. Joint investment, & service profile & outcome results	Support the community to contribute to CH liveability, wellbeing and future. Improved service levels, coordination & co-investment to achieve best community result	Vertical integration of action & investment between Federal, State, Local Community to ensure a sustainable, value adding profile	VET in schools, reflects local opportunities, business experience. Post school VET locally through existing school campuses	VET in schools, integration of State, Provider & Local Community capabilities and funds to enhance health & wellbeing care services & supports
	Recurrent operations & services	Key asset condition, service quality, fit for purpose, accidents, incidents, operations productivity. Infrastructure which supports development	Assess quality & condition of assets and services to ensure they productively meet standards, needs and balanced within the scope & scale of Councils financial capability	Road, bridge, path, solid waste & drainage systems operations & maintenance which supports all season, safe mobility & activity, protect resources and mitigate risks. Public buildings and grounds, streetscapes, lighting, public conveniences, urban design which promote connectivity & activity	Improve connections with local suppliers to create opportunities to provide services to community & council	Facilitation of and access to high quality care, medical & support services which meet acute needs, life stage & emergency challenges and needs, supporting independence. Accessible, safe, fit for purpose public amenities, buildings, grounds & facilities with high utilisation rates
	Capital investment & leverage	% of asset value in updating assets. Jointly investing in assets with other entities to achieve standards, community benefit & future value/return	Optimise the portfolio of new technology, plant & asset investment, maintenance & upgrades mix to meet compliance standards, use, user experience & lifecycle cost Specific purpose grants, JV	Ensuring risk detection & operational assets and community infrastructure protects and enhances environmental and amenity values	Develop activity precincts to promote use and development, All season access infrastructure, Visitor facilities to promote year-round activity.	Scope of recreational, health & emergency services infrastructure & standards enable social & recreational inclusion, participation & voluntary services.
	Commercial activities	Cost recovery, Return on investment, Community benefit-cost ratio	Carefully identify & critically analyse gaps in assets and specialist services which deliver foundational community benefit or leverage further development & community returns		Visitor facilities which create amenity and also flow-on economic benefit to the community - caravan park, camping (potential seasonal accommodation)	Local facilities identified as important by the community operated with a level of cost recovery - Independent Living units, cemetery, pool etc
	Monitoring, reporting & evaluation	Ability to monitor performance, and positively adapt to circumstances	Recurrent and specific purpose reporting & analysis to monitor performance & support continuous improvement	Utilise asset condition register in conjunction with risk and use patterns to optimise cost & benefit	Ongoing economic profiling & analysis to identify & explore community opportunities	Utilise facilities condition register in conjunction with use patterns to optimise cost & benefit With community partners evaluate service profile match o needs
	Working with our community to deliver sustainable benefits	Council and community combine ideas and effort to deliver valued results	Structure engagement with organisations across the community, recognising its diverse locations, interests & contributions	Focus on our environment, settlements and development	Focus on our economy, its development & local employment, business participation	Focus on the critical services that support integrated health, education, events, interests combining to deliver lifestage liveability & wellbeing

2.5. Councils Statement of Strategic Principles and Practice

2.4 above provided a summary of what we focus on and why. This section outlines how Council will approach and action these key roles and responsibilities.

Working with our community to deliver sustainable benefit

This is an underlying principle which will be applied to all our roles and functions. The principle of including and partnering with our community to develop joint understanding of issues, opportunities and challenges and working to achieve benefits is mirrored in seeking community focused, mutually beneficial relationships with other levels of government, agencies and industry. Our focus is on ensuring joined-up activity which leads to mutual, community wide benefits.

Legislative and Standards Compliance – Policy change

Council's authority comes from the Tasmanian Government Local Government Act 1993 and other legislation focused on specific governmental functions.

Compliance with the Act is non-negotiable. To ensure this Council's focus is to:

- Promote continuous improvement and self-assessment to ensure compliance and standards are achieved to deliver performance and sustainability.
- Encourage ongoing compliance by raising awareness of the obligations under the legislation. Inherent in this is a focus on consequences of non-compliance.
- Increase accountability and transparency of our performance.

Also inherent in this is awareness of how changes in policy creates new opportunities for the Central Highlands to pursue specific development initiatives and associated funding.

Community inclusion, representation and engagement

The Central Highlands community is widely dispersed, with diverse needs and changing life stage and circumstantial priorities. Understanding the factors which impact Central Highlands liveability and wellbeing is important if we are to attract and retain population and visitors, to support our socio-economic viability.

In addition to elected community representation on Council, wider community and specific purpose participation from people, the organisations and the businesses that have a stake in the future of the Central Highlands and are likely impacted by Council decisions is a requirement and guiding principle of effective Local Government.

Council recognises and respects the voluntary leadership and community contribution people make through organisations and as individuals. This is critically important in a smaller LGA where public resources are limited.

Council will ensure a program of engagement at the Council, Community Development Committees and Officer level with communities, community organisations and stakeholders to inform our decision making and support community interests and benefits to ensure our focus is aligned to changing needs.

Strategy, Policy and Operational Planning

Council's strategic plan identifies how we will meet our responsibilities under the Local Government Act, outlining the strategies and operational approaches needed to develop the long-term physical, social and financial sustainability necessary for our community to meet community need, priorities and aspirations.

It provides context, purpose and focus for our financial, asset management and annual operating plans. Also, and importantly, our future focused economic and health and wellbeing plans ensuring they are all connected and jointly contributing in an effective, productive way.

The strategic plan is Council's reference point for challenges which emerge, providing a tool to frame our decision making.

Revenue and financial management

Financial management focuses on using revenue for productive, valued service delivery, risk and opportunity management while creating surpluses to provide a buffer for unforeseen shocks. It also focuses on ensuring an acceptable return on investment, or benefit-cost relationship, and from a capital investment perspective, a strong community benefit-cost relationship for programs and capital works. The scope of this work includes financial plans, setting up financial controls, and strategic/daily financial decision making.

The financial plan is aligned to Council's Strategic Plan, designed to sustainably fund operations to achieve its defined objectives by precisely identifying and quantifying Council's available and potential resources. This enables annual and specific purpose budgets as the primary mechanism to allocate finances and other resources towards achieving its goals. This includes monitoring operational financing items like expenditure, revenues, cash flow, and accounts receivable and payable.

From a longer-term perspective, financial management also considers the lifecycle management of assets, their acquisition and disposal in line with Council strategy.

The development of bundled investment is important and will continue as a priority. This includes, for example, the investment in a facility which has multiple, complementary roles and joint venture investment combining, federal, state and local government funding and potentially, private funding.

In a period of rapid and largescale economic transition, some of the established methods of raising revenue for investment in shared community benefit, no longer delivers an equitable community outcome compared with the private or statewide benefit which accrues from use of the common wealth resources of the Central Highlands community. Renewable energy development is the major change in Central Highlands economic output. To address this, Council will continue to progress the ability for Council to apply equitable rating of wind farms, solar farms and battery storages by pursuing these matters with the developers, State and Federal Governments and other stakeholders.

Land use planning and development approval

Council operates as a land use planning authority under the Land Use Planning and Approvals Act 1993. Development application assessment and subsequent refusal or approval is its independent statutory planning role.

Council also has a strategic land use planning role, identifying what land use is desirable, where to encourage and facilitate desirable development which is aligned to its strategies and the identified environmental and socio-economic benefit. The land use zoning initiatives proposed by Council at this level are subject to Tasmanian Planning Commission approval.

Council uses strategic land use planning tools such as the "Structure Plan" to align zoning to our preferred future and other non-statutory tools such as special purpose precincts to guide our development focus and to ensure these locations are investment ready for both government grants and private investment.

Council's focus is to ensure the Southern Tasmania Regional Land Use Strategy (STRLUS) Review delivers the necessary planning tools to ensure development is achieved in Bothwell, Ouse, Hamilton, Miena and across smaller settlements and rural areas, while also supporting sustainable development from renewable energy access and in conjunction with traditional land uses and value adding.

Organisational, intergovernmental and business relations advocacy and facilitation

Communities work as systems, connecting people, governing mechanisms, businesses, community organisations, services and facilities. The way these combine, interact with and shape the built and natural environment they're located within, determines their liveability, wellbeing and resilience.

Council sits at the centre of this, playing a role in representing interests, making sense of differing views and ensuring the views, needs and priorities of community are expressed to other levels of government, with the result of "joined up", effective services and support to meet current community needs and support its sustainability.

Council's objective is to strengthen sustained dialogue and influence with the State and Federal Government and key industry sectors to progress the needs and aspirations of the Community and deliver mutual benefit.

Recurrent operations and services

Much of Council's resources are applied to meeting our day-to-day operational responsibilities associated with statutory roles, the provision of road and stormwater infrastructure, public buildings and conveniences, recreation facilities, parks and public facilities. We have a significant focus on ensuring that there is a foundation of key community medical, housing, care and emergency management/response capability to ensure both the wellbeing of the community and its safety. Council recognises the importance of these, along with education as necessary to translate the employment growth opportunities over the next decade into resident population.

Capital investment and leverage

Council utilises funds to maintain and upgrade the local road network which connects properties and provides interconnections between the State Road network to provide all season access. Within townships and settlements, this street infrastructure is complemented with open spaces and pathways to enable access to services, retail and hospitality and recreational facilities. Solid waste disposal services are provided to match the population density of towns.

Capital for new facilities or major reconstruction is periodically important to ensure the Council's asset profile matches contemporary needs. This investment is guided by benefit-cost analysis framed by Council's strategic plan.

Plant and equipment forms part of Council's asset base. It is important to day-to-day operations, private works contracts and as part of the response to major events and emergencies. The use levels, cost of ownership and emergency access play a part in own/hire decisions.

Council seeks to leverage best value for our expenditure and investment, actively targeting grant programs and seeking contributions where there is mutual benefit for both the community and key business interests to offset costs and to delivery additional community benefit. Similarly working with and supporting community groups and volunteers plays an important role in creating community capital.

Commercial Activities

Council operates a range of facilities and services which are designed to provide a direct and flow-on benefit to residents and business. Some, such a private works contracts return a profit, others are designed to break even, while others, such as the swimming pool, are based on a fee structure which reflects value to the community and therefore delivers only a proportion of full cost recovery. The principle which underpins provision of these facilities and services is based on the consideration of the socio-economic benefit which directly flows or will flow over time to the community compared with the cost. This includes social and economic perspectives in addition to the single financial return perspectives.

Monitoring, reporting and evaluation

To plan and program without performance measurement is a job part done. While the budget and annual report provide specific financial results and an overview of achievement, Council is committed to a journey of strong performance in meeting our strategic objectives, providing services and assets which are fit for purpose and productively delivered. The data to support this is in place, it is now a matter of using it in a more active way to support our operational and strategic decision-making processes and provide transparency to and confidence in, our operations and strategy.

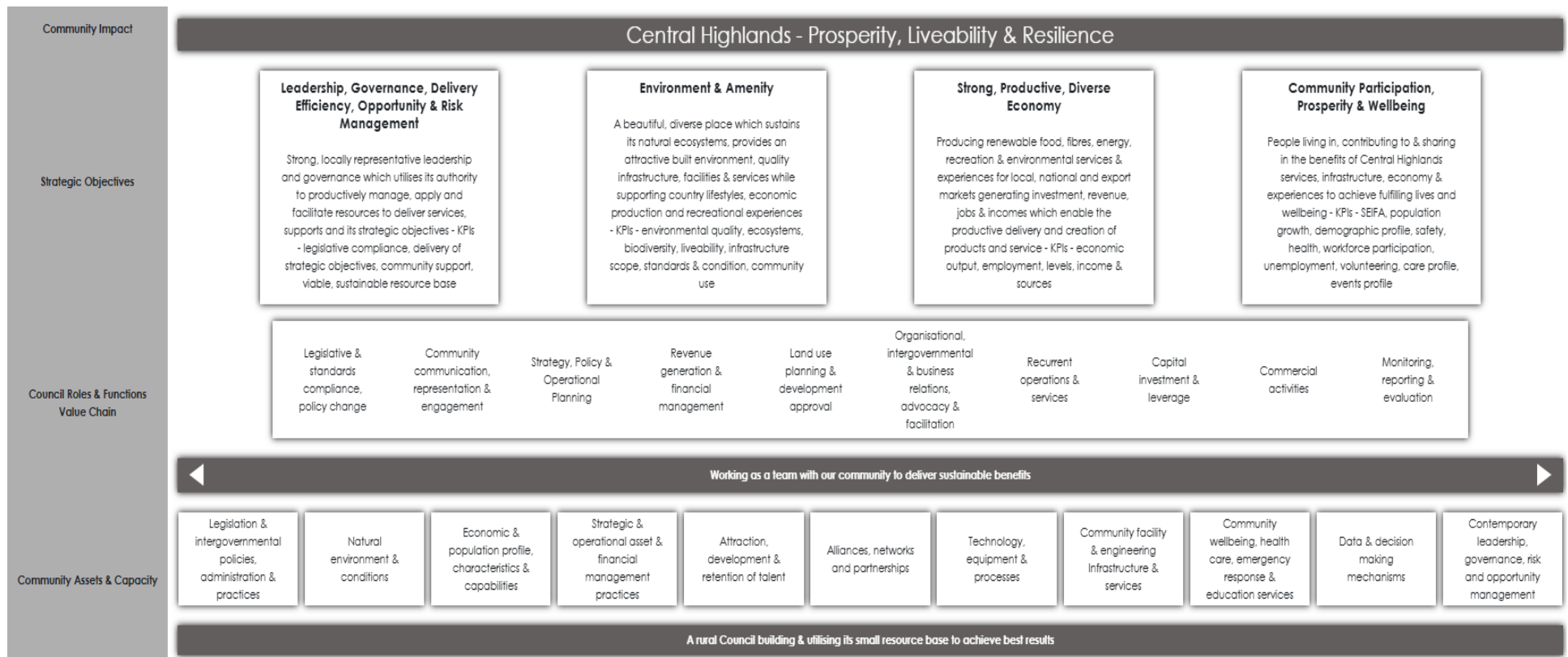
While this has a management and statutory role, it is considered part of our ongoing connection with the community.

As a component of this practice, Council will -

- Regularly report to the Community through media releases, The Highland Digest and Council newsletter(s) with the progress that has been made on the matters of greatest interest to our residents and ratepayers,
- Hold regular workshops in all areas of the Municipality to report on progress on matters of Community interest and develop new strategies to ensure progress is for the betterment of the Municipality.

2.6. Activating the Strategy in our Operating Plan

Council's strategy outlines its diverse roles, responsibilities, and areas of focus, with the business model showing how these will be activated to achieve the four strategic objectives. The diagram below illustrates the vital connection between strategy and operations, highlighting the community assets and capability foundations that underpin local activity, prosperity & wellbeing. It is through our day-to-day operations and commitment to these foundations that the strategy comes to life. For Council, this focuses on ensuring the community has the public assets, risk management capacity, and opportunity development systems needed to support both individual and collective efforts. Together, these elements enable the Central Highlands to grow as a prosperous, liveable, and resilient region.



The Local Government Act (1993) requires Council to prepare an annual operating plan and budget, what will be expended, where, when and why during the year. This tool activates our strategy, by allocating budget to essential administrative and recurrent operations and specific initiatives designed to implement the strategy. It is a key planning and management tool.

The annual plan for 2025/26 is summarised in the following table. It highlights the interrelationships between Council's roles and the performance and development of our community assets, utilising and maintaining them and as beneficial, improving their capacity. The assets of a community go beyond the physical assets such as roads, buildings and bridges, it includes our funds and the capabilities of our organisations, community organisations and industry.

Collectively a community develops, utilises and generally expands and further improves its public and private asset base over time and in response to opportunities and challenges. Prosperity, liveability and resilience require public and private assets to work together. As highlighted in the model above, community assets extend beyond physical infrastructure to include,

- Legislation, regulation, policy and administrative practice provide the rules relating to how public funds are raised and allocated and how private/public development occurs to generate opportunity while not negatively impacting other assets
- The natural environment and its natural and developed productive capacity which provides the foundation of the central Highlands economy and attractiveness
- Our population, its demographic profile, skills base, health and wellbeing which allows people to pursue their livelihoods and lifestyles across different life stages. The ability to attract and retain population is critical.
- People create communities through alliances, networks and partnerships across many differing perspectives, combining to achieve mutual benefits. Council is part of this interconnection across the community and between the community and other levels of government, regional and specific purpose entities
- Access to and use of technology and equipment enabling improved access, performance and productivity
- Local (and State) Government invests funds in the development and maintenance of the local road networks, the management of stormwater run-off, solid waste collection and disposal, recreations grounds and other facilities used by the community and visitors. These play an important role in our economy, social fabric and management of our environment
- Ensuring population safety, health, wellbeing and capability is central to our prosperity and liveability. The facilities and services which support this are key assets

- The governance models which exist across community organisations, within Council and which frame how intergovernmental relations work, how government to community/business relations work are central to how public and private efforts and investment work together to deliver wide community benefits.

The business model enables integration of the strategic plan and its “nested” operational plan, identifying how Council is committed to utilising and working with our community capacity and further building on our community assets.

The Key Performance Indicators (KPIs) are the measures we will use to measure results and progress. They will be refined and form a part of our reporting.

2.7. Operating Plan 2025-26 – Delivery Pathways Summary

Councils' activity footprint is significant. While it is natural to think about it as specific functions, e.g. road maintenance, preparing the financial management plan, lobbying for services, the reality is that they all fit together and support each other. While we organise our work summarised below in columns and rows to achieve operational efficiency, we also must be able to step out of the silos to consider how the whole system is working together to deliver our strategy.

While some people will spend 95% of their time focused on their specific activity silo, the 5% taken to consider how it is impacted by (or impacts) other factors is important. Council & its executive staff have a broader view of how the whole system is working and while a specific challenge might be an issue to resolve, does it have a less obvious root cause or wider implications?

To support these 2 thinking dimensions and connecting them up, Council's Operating Plan is summarised below as our delivery pathway activity for this year. This identifies the mix of activities essential in meeting our ongoing responsibilities and implementing the strategy. It maps our footprint and effort by identifying the key activities associated with our role, how they will make a difference to the management, delivery and improvement of services, support and our community's assets, and how we will measure performance.

It is designed as an overview, behind this summary are the specific purpose plans and budgets.

		Community Assets & Capacity												
		Legislation & intergovernmental policies, administration & practices	Natural environment & conditions	Economic & population profile, characteristics & capabilities	Strategic & operational asset & financial management practices	Attraction, development & retention of talent	Alliances, networks and partnerships	Technology, equipment & processes	Community facility & engineering Infrastructure & services	Community wellbeing, health care, emergency response & education services	Data & decision making mechanisms	Contemporary leadership, governance, risk and opportunity management	Key Performance Indicators	
Council Roles & Functions Value Chain	Legislative & standards compliance, policy change	Compliance management & updating, influencing change	Assessment of water quality, Derwent Catchment Project, NRM measures	Identify opportunities from policy changes	Benefit-cost approach to asset ownership, retention & development	promote and provide access to professional development training	LGAT & regional engagement		Asset condition re-assessment, prepare 10 year investment & management plan	Awareness of policy changes and implications	Reporting standards requirements compliance	Active participation in governance of LGAT, regional & industry organisations - focus on future environmental, economic & social conditions, opportunities & risk	Compliance, use of policy & standards to progress opportunities & manage risks	
	Community communication, representation & engagement	Community engagement Council administration & support	Liaise with community organisations & land managers	Advocate for the community in service, & facility development to meet liveability requirements Plan work with local tourism, regional & promotion groups	External/grant funding to support volunteer & emergency services	Awareness leading to people volunteering and engaging positively as a community	Renewable energy PILOR allocation group formed & working Government agency links achieving results	Use of social media to connect Council to community	Gain insight into priorities to help consider right facility and infrastructure profile	Community organisation & event support Structured communications to gain insight into priorities	Extend community data profiles with local information	Regular attendance at community meetings Benefit - cost of key potential initiatives	Community participation in process, feedback, satisfaction	
	Strategy, Policy & Operational Planning	Annual plan implementation management Strategic issue scanning & Identification for inclusion	Assess climate risk impact - mitigation, transition impacts & funding opportunities Work with STR Waste Authority	Plan for growth & investment in line with CH socio-economic futures strategy	Forward financial plan update	HR Plan & professional development program for councillors & employees. Potential extension to community committees Actively assess resource sharing opportunities		Engage key interests across CH	Equipment replacement program & schedule - efficiency gains focus	Develop 10 year asset management plan Maintenance program & schedule management	Community & youth engagement & partnership program Implement CH Health & Wellbeing Plan & Emergency Management Plan	Monitoring activity progress & budget compliance	Translating key opportunities & risks into policy & strategy Review and ensure continued relevance	Systemic, organisation wide plans, clear focus, awareness of external factors Achievement of objectives, delivery efficiency. Community alignment
	Revenue generation & financial management	Review financial plan, policies, update strategies		Manage community, activity grants	Work with Renewable Energy sector to develop balanced strategic & community interest funding model, Active grant seeking			Resource sharing, collaboration with community organisations Community grants program	Ensure technology & systems are productive	Own - hire equipment reassessment - productivity focus	Actively advocate & lobby for PILOR investment in services & facilities Actively pursue grant applications which add value	Develop asset condition index for all asset classes Assess benefit-cost to frame funding allocations	Best use of reserves & revenue in view of investment & recurrent operations	Revenue level, sources, equity Budget compliance, productivity, investment capability
	Land use planning & development approval	Assess & administer applications, Compliance	Sensitive, important location, ecosystem & waterway/quality protection	Support establishment of sustainable policy New Special Purpose Zone approval Residential precinct development, Rural living promotion			Resource sharing across Councils			Remove site & precinct upfront barriers to development			Promote interests to SLUP Consider & respond to development profile	Development profile, number of applications, appeals, average determination time & time utilisation, compliance
	Organisational, intergovernmental & business relations, advocacy & facilitation	Structured and specific issue engagement plan & schedule within CH and outside organisations	Work with land managers to control weeds, prepare emergency management plan, Work with Southern Tas Regional Waste Authority	Implement Socio-economic Futures Strategy Advocate to business and government	Federal precinct grant program application	Bringing key players to table,		Purposeful joint consideration & activity structuring		Lobby for support, Link to Activity precincts	Advocate for improved scale of community & emergency response services & access Implement Health & Wellbeing Plan		Working with major developers, active progress CH community & economic development to support and lobby to government in matters of community interest	Profile of supportive, meaningful relationships. joint investment, & service profile & outcome results

		Community Assets & Capacity										Key Performance Indicators	
		Legislation & intergovernmental policies, administration & practices	Natural environment & conditions	Economic & population profile, characteristics & capabilities	Strategic & operational asset & financial management practices	Attraction, development & retention of talent	Alliances, networks and partnerships	Technology, equipment & processes	Community facility & engineering Infrastructure & services	Community wellbeing, health care, emergency response & education services	Data & decision making mechanisms		Contemporary leadership, governance, risk and opportunity management
Councils Roles & Functions Value Chain	Recurrent operations & services	Implementation, quality & budget compliance, productivity improvement	Roadside weed control, Waste management, collection, transfer, minimisation, re-use, circular	Develop supplier panel	Review plant asset management plan	Own vs hire evaluation for assets			Manage annual road, bridge, building, facilities and grounds maintenance, minor upgrade program & incidents arising	Foster & support activities, events & access Support for provision & extension of medical services, immunisation & on-site effluent disposal	Program cost review Unit rate cost benchmarks	Ensure transparency re the link & contribution to CH Strategic plan, health & wellbeing, socio-economic futures plans	Key asset condition, service quality, fit for purpose, accidents, incidents, operations productivity. Infrastructure which supports development % of asset value in updating assets. Jointly investing in assets with other entities to achieve standards, community benefit & future value/return
	Capital investment & leverage	Implementation, quality & budget compliance, impact evaluation		Invest in precinct development			Grants to leverage council funding	Support fire communications & alerts infrastructure	Manage annual road, bridge, building facilities and grounds capital works program	Advise on upgrading spaces to contemporary standards & encouraging use	Asset condition profile, use patterns and benefit-cost analysis	Ensure transparency re the link & contribution to CH Strategic plan, health & wellbeing, socio-economic futures plans	
	Commercial activities	Utilisation, returns & cost recovery management		Link community & business benefits			Activate Economic Development special committee		Perform private works contracts	Advise on & support funding strategy linking Department of Health, industry & Council resourcing to provide essential medical care & response services Progress & budget compliance reporting		Review operations of community facilities, their benefit & cost as the basis of viability decisions	Cost recovery, Return on investment, Community benefit-cost ratio
	Monitoring, reporting & evaluation	Specific project reports, operations reporting, Annual Report	Environmental monitoring Emergency fire alerts					System support to decision making analysis	Progress & budget compliance reporting Variations and issues arising reporting	Variations and issues arising reporting Health condition of food premises, public places and recreational waterways	Data capture & analysis	Ensure progress to plan & budget Ensure timely actions	Ability to monitor performance, and positively adapt to circumstances
	Working as a team with our community to deliver sustainable benefits	Satisfaction analysis, willingness to engage, Agreed objectives	Ongoing engagement with Derwent Catchment Project, STR Waste Authority & land managers and the community to ensure a strategic, effective approach environmental quality & sustainability	Actively implementing the socio-economic futures strategy by engaging with local business, developers and industry organisations	Ensuring Councils financial assets and practices are transparent	Demonstrating openness & professionalism which provides community confidence to engage with Council	Developing and supporting strong alliances to achieve, alignment, synergy and mutually beneficial results	Consideration of key information requirements & flow	Working to match infrastructure and services with local needs	Working to match facilities and services with local needs by combining the resources of government, the community and industry	Use of plan structures to make sense of signals we are receiving	Make decisions and present as a cohesive Council and community	
Necessary capabilities	Outcome and equity focused policies guiding & linking strategy & operations	Ecosystem protection, enhancement Potential for environmental services Climate change adaptation, utilisation	Increased population & workforce, younger profile	Broaden and grow income across economy & Council	Increased technical proportion within labour force	Stronger, more aligned partnerships and their contribution	Productive use of technology & equipment	Productive delivery of safe, all-season capacity	Highly utilised, fit for purpose and cost effective	Evidence based, collaborative, evaluated			



Policy No. 2013- 18

Employee Recruitment & Selection Policy

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1. POLICY STATEMENT

Council is committed to a fair, effective and professional method of selecting employees. The Council aims to attract and appoint highly skilled, suitably qualified and motivated employees who will aim to meet agreed organisational objectives and goals.

2. PURPOSE

To provide clear guidance to the Council on the values and application of this Policy to all employees. To articulate that the Council's commitment to ensuring recruitment and election of new employees is in accordance with the *Local Government Act 1993* in that:

- All applicants receive fair and equitable treatment without unlawful discrimination; and
- All employees are appointed and promoted according to merit without unlawful discrimination.

3. SCOPE

This policy covers all employees involved in the recruitment or selection of applicants for positions within the Council.

4. PROCEDURE

4.1 Equal Employment Opportunity and the Merit Principle

Selection to positions within the Council is based on the principles of appointment on merit and the provision of equal employment opportunity. The appointment of employees must be made on the basis of the individual capacity of the person having particular regard to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.

Selection on the basis of merit means that the grounds for the decision must directly relate to the inherent requirements of the position and prevents those decisions being made on unjustified discriminatory grounds such as:

- Race, colour, national or ethnic origin or nationality.
- Gender, sexual preference, marital status, pregnancy, status as parent or carer.
- Religious or political belief or activity, industrial activity.

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- Age, physical features, disability, medical records. Personal association with a person who is identified by reference to any of the listed attributes.

4.2 Encouragement to Existing Employees to Apply for Vacancies

The Council is committed to fostering the process of developing and promoting existing employees wherever possible. The objective of internal recruitment is to utilise the talent that already exists in the Council and to provide every opportunity for employees to advance and develop to their full potential (this may include direct selection/appointment). On occasions it may be determined that the required skills do not exist internally, and this will be reflected in the recruitment strategy.

4.3 Confidentiality

All inquiries and applications for vacancies from internal and external applicants will be treated with the strictest confidentiality.

4.4 Conflicts of Interest

Family and other close personal relationships as well as business relationships must be declared by prospective members of Interview Panels in relation to candidates.

5. POSITION ROLE AND POSITION DESCRIPTIONS

Prior to any recruitment activities being undertaken in relation to a vacant position an assessment is to be made as to the ongoing requirements for the role. This assessment will include consideration of budgetary implications and future business requirements of the organisation in relation to the role.

A position description is a statement of the tasks, duties and responsibilities of a job to be performed. It entails an understanding of the relationship of a specific position to other positions in the organisation and to the organisation’s overall goals and operations. It must also reflect the outcome of the work performed and the standard of performance required.

Position descriptions are to be reviewed on a regular basis. Minimum review periods are at the time of the annual performance review and prior to the recruitment process proceeding.

6. RECRUITMENT STRATEGY

The most appropriate strategy for recruitment will be adopted to ensure timely and effective use of resources to maximise the successful performance of the role for Council. Whilst the Council is committed to providing opportunities for existing employees to apply for vacancies

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within the Council, the recruitment mix (advertisements, internal applications, external applications) will be determined by a range of elements, including the role, required skills and abilities, existing skill base and organisational needs.

At the discretion of the General Manager, vacant positions may be filled by:

- (a) an internal recruitment process;
- (b) an external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or
- (c) by direct selection

The General Manager may, at their discretion select on merit a prospective employee for the appointment to a position without advertising the vacancy.

The General Manager may determine to fill any vacancy by inviting applications from Council employees. The process can be utilised where a number of potential candidates, with the required specialist knowledge or skills has been identified within the Council workforce.

The General Manager may elect to recruit persons externally through placing an advertisement in the newspaper and on Council's website or listing the vacancy with a specialist recruitment agency.

All persons interested in applying for a position are to contact Council for an employment kit and Council is to forward this promptly upon request. The employment kit will contain a position description (including selection criteria) and a recruitment information sheet.

7. SELECTION PANEL

A Selection Panel shall be convened to assess the applications received. The Selection Panel shall consist of three persons, one shall be the General Manager or his/her representative, the Manager to whom the position reports, and one other representative nominated by the General Manager. Where there is a mixture of male and female applicants, the panel will endeavour to ensure that a gender balance exists within the panel.

Where a member of the Selection Panel has a significant relationship with a short-listed applicant (such as a relative), that panel member will remove themselves from the selection and interview process on the basis that there may be a conflict of interest. Such conflicts of interest are to be notified to the General Manager as soon as they become known.

Following the closure of the advertising period, the Selection Panel shall determine a short list of the applicants. Short listing will be based upon an assessment of the application against the selection criteria. The Selection Panel will rank applicants according to their assessments in order to determine those applicants to be interviewed.

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Applicants shall be interviewed and assessed according to a set of agreed questions formulated by the panel. Interview questions will be relevant to the advertised position; derived from the selection criteria and seek to identify the experience and ability of the applicants in relation to the role. Interview questions will not make reference to issues such as marital status, health, political ideals or any other matter not related to the performance of the role.

The assessment of suitable applicants should be done in accordance with the merit principle together with the principles of equal employment opportunities. The merit principle has regard to the knowledge, skills, qualifications, experience and potential for future development of each person in relation to their individual capacity to perform the duties and responsibilities associated with the position.

Following completion of the interview process, the Selection Panel will make a recommendation to the General Manager as to the outcomes of the interview process. The General Manager may either endorse or reject the recommendations of the Selection Panel.

8. NATIONAL POLICE HISTORY CHECK

A National Police Check will be required for the preferred applicant; any information obtained will be assessed against the requirements of the position.

All costs for the National Police Check will be met by Council. Council agrees to meet the cost of a fast track check where there is a requirement for the successful applicant to commence in the position in a short timeframe.

9. PRE-EMPLOYMENT MEDICAL

A pre-employment medical examination will be required for the preferred applicant. Information is to be requested only in regard to that which is directly relevant to the position.

All costs for the medical examination will be met by Council.

10. OFFER OF EMPLOYMENT

All offers of employment are to be made by the General Manager in writing, irrespective of the nature of the employment (casual, temporary or permanent) and only after Council have received the completed National Police Check and the completed pre-employment medical.

All non-successful applicants are also to be notified in writing.

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Letters of offer are to contain information relevant to the appointment, including:

- Basis of employment offer, i.e. contract, part time, permanent fulltime;
- Period of employment, if appropriate;
- Remuneration details;
- Superannuation contribution details;
- Hours of work;
- Leave entitlements;
- Compliance with WH&S and other policies of Council;
- Probation period;
- Uniform or other employment benefits; and
- Other contractual details if relevant.

Two copies of the letter of offer are to be provided to the successful applicant, one for their records and the other to be signed in acceptance of the position and returned to Council.

11. PROBATIONARY PERIOD

A three month probationary period applies to all new employees; applicants are to be advised of this at the time of interview and the successful applicant in the letter of offer. The probation period may be longer if determined necessary and relevant to the position by the General Manager.

The General Manager may also extend a probation period, however the total period shall not exceed 6 months.

Should a probationary employee be demonstrably not suitable for the position on the basis of their capacity and abilities, their employment may be terminated, subject to the provisions of the relevant employment legislation, the relevant Enterprise Agreement or contractual arrangements.

12. CASUAL AND TEMPORARY EMPLOYEES

The organisation often has a need for casual employees as a result of budgeted seasonal workload fluctuations, an increase in work activity for a few weeks, illness of permanent staff or for special projects. These situations mean that extra staff maybe required at short notice.

Casual employment is usually short term and of an irregular basis. Casual vacancies may be filled via general advertisement (internal and/or external), employment agency or by identifying potential candidates without advertising.

These vacancies will usually fall into two categories:

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- Vacancies resulting from illness, increased workload or special projects, (These vacancies require authorisation before employing staff as they are considered additional to the budgeted staff level); and
- Budgeted casual staff shown in the Annual Plan (These vacancies are the responsibility of the appropriate Department Manager).

Casual employees will be paid a loading as per the relevant award in lieu of leave entitlements, including annual and sick leave.

Where an employee is likely to be required to fulfil a particular role on a casual basis for more than 12 months, the organisation will discuss the nature of future employment arrangements with that employee in order to determine mutually acceptable terms of ongoing employment.

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Policy No. 2015- 37
Information Management
(Recordkeeping) Policy

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1. INTRODUCTION

The purpose of this policy is to provide an effective framework for Council's recordkeeping practices and document management procedures. It covers the creation of records, and their maintenance, storage, accessibility and retention, along with the individual responsibilities of Councillor's and staff with regard to their records management obligations.

Council is committed to establishing and maintaining records management practices that meet its business needs, are in accordance with stakeholder expectations, meet legislative and statutory obligations and are designed to mitigate risk to the Council.

The benefits of compliance with the policy will be trusted information which is accurately described, stored in known locations with appropriate security, which is easily retrieved when needed.

2. OBJECTIVE

To ensure that the Council complies with its obligations in recording, maintaining and disposing of corporate records in accordance with the *Archives Act 1983*.

3. SCOPE

This policy applies to the management and maintenance of records through their lifecycle from creation, receipt or capture, to preservation and disposal under the provision of the *Archives Act 1983*. It applies to records in any format including, but not limited to paper documents, electronic documents, emails, web-pages, information in databases, photographs, film, charts, and information on social media.

This policy covers the work practices of staff, Councillors and consultants who:

- Create information;
- Access information;
- Have responsibility for information including storage, retrieval, dissemination and disposal;
- Have management responsibilities for officers engaged in any of these activities; and
- Manage or have design input into information technology infrastructure

The Information Management Policy will:

- Align with the Council's operating environment, strategic direction, policy framework and recordkeeping program;
- Ensure compliance with legislative and statutory obligations;
- Promote a corporate culture of sound recordkeeping practices;
- Provide protection of information for an important part of the local cultural heritage;
- Reduce the risk associated with the loss or destruction of essential information; and

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- Increase the capture and retention of corporate history, knowledge and expertise within Council.

4. POLICY

Responsibilities for records management

Every Councillor and staff member of Council has an individual obligation to register and maintain their corporate records as defined in the *Archives Act* 1983 and in accordance with the Policy.

It is a requirement that each individual ensures that they have an appropriate level of awareness about these responsibilities under the Policy and are sufficiently trained in creating and maintaining corporate records in the Council's electronic document management system.

Creation and maintenance of records

Corporate records must provide a reliable and accurate account of business dealings, decisions and actions. Therefore, when creating corporate records it is important to include all necessary information including the names, company details, dates and times, and other key information needed to capture the business context.

Corporate records can be documents and data created in any format, e.g. scanned, email, paper or completed electronic forms, received or maintained as evidence and information of requests of Council, work done for, or on behalf of, the Council, business transactions or evidence of decisions. Examples of Council's corporate records include, but are not limited to:

- Agendas, minutes and papers;
- Complaint correspondence;
- Contracts and agreements;
- Correspondence received from members of the public, private and public sector organisations that require action or decision;
- Documents related to events organised with or for external organisations;
- Facilities hire forms and documentation;
- Tax invoices and supporting information to support payments and reimbursements;
- Media releases and articles;
- Personnel information;
- Policies and guidelines;
- Recruitment and appointment documentation;
- Reports and submissions;
- Risk management registers and documentation;
- Social media;
- Training program documentation: and
- WorkCover documents and files.

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An overarching business rule is that if a transaction or request comes into the Council from an external party, the information is to be captured by the recipient as a business transaction. Equally each time the Council communicates with a company or individual outside of the Council, this too is a corporate record, and the individual charged with communicating with the external party is required to capture the dealing.

Ultimately, if the record contains a business transaction or evidence of any decision that has been made on behalf of the Council it must be kept for the required time.

Records that do not have to be kept

Some records do not belong in the Council’s recordkeeping system on the basis that they are not corporate records and have no long term value in being retained. These records include:

- External advertising material;
- Externally published newsletters that do not contain material created by or referencing the Council;
- Internal e-mails received by “carbon copy” (cc) or “blind carbon copy” (bcc);
- Junk e-mail;
- Personal correspondence including e-mail;
- Rough notes, working papers and calculations used solely to assist in the preparation of other records such as correspondence, non-auditable reports and statistical tabulations;
- Copies of any external documents, preserved solely for reference;
- Published external material preserved solely for reference;
- Working documents that do not show how a decision or a calculation was made;
- Work in Progress documents whereby it is unclear if a document will be submitted for approval and therefore become a corporate record.

Documents of this nature may be destroyed, as defined by the Tasmanian Archive & Heritage Office Retention and Disposal Schedule for short-term value records.

Systems used to maintain corporate records

Records generated within the Council in the course of normal business practice or received from an external source are to be registered and captured within Council server computers as these are subject to backup daily.

Corporate records must not be maintained in email folders, shared folders, personal drives or external storage media as these are not approved records management systems and they lack the necessary functionality to protect business information and records over time. Records created when using social media applications or mobile devices may need to be captured into an endorsed system.

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Access to records (Internal)

Information is a corporate resource which all staff should have access to, except where the nature of the information is sensitive and requires a higher level of protection because of its confidentiality.

Therefore, access restrictions to corporate records should not be imposed unnecessarily. Information which is requested to be secured will be required to meet one of the following categories or be endorsed by the General Manager or an appropriate Manager:

- Council business that might affect its capacity to make decisions or operate, public confidence or the stability of the marketplace;
- Personal information about an individual;
- Commercial interests, whose compromise could significantly affect the competitive process by providing unfair advantage;
 - ◆ Legal professional privilege;
 - ◆ Law enforcement operations whose compromise could adversely affect investigations, legal proceedings or adversely affect personal safety;
 - ◆ Personal information which is required to be safeguarded under the *Personal Information Protection Act 2004*, or other legislation.

Access to Information (Public)

One of the overarching principles of the Council's information management framework is that information should be freely available, easily discoverable accessible and published in ways that allow its reuse in accordance with State and Federal governments open data commitments.

In accordance with our obligations under the *Right to Information Act 2009* access to publicly available information will be provided on Council's website. The public have legislative rights to apply for access to information held by our organisation under the *Right to Information Act 2009*.

This applies to all information held by the Council, whether in officially endorsed records management systems or in personal stores such as email folders or shared and personal drives.

Responses to applications for access under Right to Information legislation are the responsibility of the General Manager or Delegated Officer/s.

Retention and disposal of records

Council records are destroyed when they reach the end of their required retention period set out in the Records Retention and Disposal Schedules, issued by the Tasmanian Archive and Heritage Office. Retention periods in disposal schedules take into account all business, legal and government requirements for the records.

Council uses a number of general and Council-specific schedules to determine retention, transfer and destruction actions for its records. Records cannot be disposed of other than in

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accordance with all relevant Retention and Disposal Schedules and Destruction Authorities authorised by the State Archivist.

In addition to this, records cannot be disposed of without the approval of either the General Manager or Delegated Officer under the *Archives Act* 1983. Some records can be destroyed in the normal course of business. These are records of a short-term, facilitative or transitory value that are destroyed as short term value records such as rough working notes and drafts not needed for future use.

Central to the Council's accountability process is the requirement it maintains a Register of Records Destroyed. This is the Council's formal evidential record of destruction and must be retained permanently by the Council.

Records identified as having 'permanent' status in an authorised retention & disposal schedule should be transferred to Tasmanian Archive and Heritage Office after business use ceases. Council may make application to Tasmanian Archive and Heritage Office for earlier transfer of particular groups of records and Tasmanian Archive and Heritage Office may also initiate an earlier transfer arrangement (for example permanent records that are at risk or records of agencies or parts of agencies that have been privatised).

Monitoring the records management program

The records management program will be monitored for breaches of this Policy by the Deputy General Manager. Day-to-day and periodic records management audit activities will be coordinated by the Executive Assistant who will facilitate training as required.

5. LEGISLATION

Archives Act 1983

Local Government Act 1993

Personal Information Protection Act 2004

Right to Information Act 2009

6. RESPONSIBILITIES

Parties or Persons	Responsibilities
General Manager	The Act places on the General Manager a duty to ensure that the Council complies with its requirements, and with those of any relevant Regulations.
Deputy General Manager	Responsibility for monitoring compliance and suitability of this policy. Planning, leading and managing the overall information management function for the Council.
Executive Assistant	Duties associated with the day to day implementation of the records management program

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	<ul style="list-style-type: none"> • Implementation of the policy and practices and ensuring information security • Notify the Coordinator Information Management of any problems or breaches that may occur • Training and mentoring of staff in relation to information management systems and procedures
Councillors	Councillors have an individual obligation to create and maintain corporate records with regard to their actions and decisions.
Individual Staff	Every staff member has an obligation to create and maintain corporate records in accordance with this Policy

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Policy No. 2017- 51

Staff Code of Conduct Policy

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PURPOSE

The purpose of this Code of Conduct is to clearly state the standards of responsibility and behaviours expected by those representing or working for Central Highlands Council. Maintaining professional and ethical conduct always is the responsibility of every employee (permanent, temporary, part-time and casual employees) as well as volunteers, contractors working on-site, and work experience students – *every person, every day*.

The Code of Conduct is designed to assist employees to understand how to undertake their duties and behave according to the values held at Council, reducing the risk of real or perceived conflicts between private and public interests, personal gain or unacceptable and/or unlawful behaviours.

The Code cannot describe every requirement of workers or present all the details of the policies that affect their conduct. Instead, it has been written to make workers aware of the range of ethical issues and legislation that affects their behaviour at work and to point to where they can find out more detailed information about procedures or policy. It is also up to workers to seek information when they need a fuller account of standards or procedures or if they are unclear on any area of conduct. The policies and procedures which are referred to in the document can be obtained from your manager or found in the policies and procedures folder.

The Code is shaped by the Council's statutory obligations, its principles of good governance and its corporate values. Fraud, corruption, dishonest acts and conflicts of interest are clearly not acceptable conduct, and they are moreover illegal acts. However, as well as avoiding breaches of legislation, the Council wants a workplace where individuals act with integrity and with respect for others, show courage when it is needed and aim for excellence in performing their duties. It is hoped that this Code will provide workers the principles and information which will allow them to make good judgements in difficult circumstances, as well as follow procedures and comply with legislation.

Who does the code apply to?

All employees, including managers and team leaders must act in accordance with the code and managers at all levels must promote or enforce the code in their office or workplace. Service providers, representatives, and agents must make sure their employees are aware of the code and do not breach its principles when performing duties on behalf of the Council.

Breaches of the code

Fraudulent or corrupt behaviour which violates legislation as well as the code should be dealt with according to Policy No. 2013-03 Fraud Control Policy. Other breaches of the code will be dealt with according to Policy No. 2017- 47 Disciplinary Policy & Procedure.

In the case of contractors and contracted providers or representatives, under the terms and conditions set out in their contract.

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The code is presented in the following sections

1. Principles of conduct;
2. The responsibilities of employees;
3. The use of information and intellectual property;
4. Appropriate use and preservation of assets and resources;
5. Conflicts of interest, gifts and hospitality;
6. Disclosure of criminal offences;
7. Fairness, equity and diversity;
8. Workplace health and safety;
9. Policies and guidelines referred to within the Code

1. Principles of conduct

You should be guided by the values of the Council when you act on behalf of Council. The values of Council and the actions associated with these values are described below.

Integrity

Acting with integrity means that employees will:

- a) act and decide in an honest, consistent and transparent way;
- b) deal with others fairly and consistently;
- c) support the decisions of Council;
- d) take responsibility for their actions;
- e) perform their duties with reasonable care and diligence and in the best interests of the community; and
- f) use resources and time wisely.

Courage

It may take courage sometimes to pursue a course of action. Employees should:

- a) find new and better ways;
- b) learn from mistakes;
- c) speak up – tell it like it is;
- d) support colleagues; and
- e) take the extra step.

Accountability

Employees should take personal responsibility for decisions and actions to achieve agreed outcomes. Behaviour that demonstrates accountability is:

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- a) ensuring best use of resources;
- b) taking responsibility for personal decisions and actions;
- c) acting and working in an open and transparent manner and reporting outcomes;
- d) recognising the achievements of others within the work area; and
- e) responding to phone calls, emails and correspondence in a timely manner.

Respect

This means that employees will act with courtesy by listening to differences of opinion and show respect for the differences of race, culture, religion, language, gender and abilities of others. This means employees:

- a) are punctual and prepared;
- b) consider and understand the perspective and circumstances of others;
- c) provide and accept feedback;
- d) honouring the privacy of others; and
- e) recognise and respond to the contribution and needs of others.

Excellence

Employees should aim to work to an excellent standard. This means employees should:

- a) commit to achieving outstanding outcomes for Council;
- b) display leadership;
- c) try always to improve their performance; and
- d) take pride in the municipality.

2. The responsibilities of employees

Acting with good judgement requires knowledge of the regulations and legislation that affect the council’s activities. It also means that employees must perform their duties in a principled way and with a sense of responsibility for the results of their actions.

Employees must comply with the letter and spirit of the law, especially the provisions of the *Local Government Act 1993*. Some of this affects the conduct of all members of staff, other parts are more relevant to management.

All employees must follow any lawful directions given by a person authorised to do so. If a direction is unclear, you should ask for more information to fulfil your duties. If you believe the direction could be unlawful or unethical or contradict the organisation’s values, then you should ask a manager for guidance.

The way employees behave at Council hosted functions reflects on the Council. Employees should not consume too much alcohol or attend unsuitable entertainment. At events or promotional functions hosted by other organisations, employees should make sure their conduct adds to the good name of

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the organisation. All employees should do their best to avoid the appearance of improper conduct or poor performance of duties.

Managers must make sure they understand any legislation and statutory requirements that relate to their duties and direct staff only in a manner that complies with the legislation. These employees should make sure their advice and decisions are based on sound information and formed in a principled and honest manner.

These employees must make sure that the teams they are responsible for are clear about what is required of them. They must also make sure their teams have the information and training they need to perform their duties in accordance with legislation and regulations. Though Managers may delegate tasks and duties to other employees they are still responsible for quality of work and the productive use of employees' time.

Managers must implement policies and decisions in an impartial manner and consider whether their decisions are in accordance with the spirit and letter of the law that relates to their functions. They should also conduct themselves as an example to their employees and to colleagues of ethical practice and principled actions.

Working with members of the elected Council

Councillors may not direct employees to perform duties or actions. Instead, requests for action are made at the meetings of the Council and its committees where the reports and advice of the administration are presented for consideration by the Councillors. Managers then request action from their employees.

3. The use of information and intellectual property

All employees must treat confidential information with discretion. No employee may make a statement made on behalf of the Council to the media or public. These communications are made in accordance with Council's Media Policy 2014-20.

The confidentiality agreement you signed specifies your conduct in relation to confidential information:

"In the course of my employment with Central Highlands Council, I may have access to, or obtain, "confidential information" belonging to Council.

I shall not divulge or make use of, for any purpose other than the business of Council any trade secrets, customer lists or confidential information which I may acquire during the course of or incidental to my employment by the organisation. This obligation shall apply for the duration of my employment with Council and after the termination of my employment.

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I understand and acknowledge that I owe the Council a duty of fidelity and a duty of confidentiality with such duties having the meaning recognised by law from time to time. Accordingly, and without limiting the meaning of any duties, I agree and undertake that:

- a) I will not at any time knowingly disclose to any unauthorised person confidential information of the Council, which comes to their knowledge during the course of my employment including details concerning this confidentiality agreement;*
- b) upon the termination of my employment I will return all intellectual property of Council to which I have access during the course of my time with Council, including all documents, materials, processes and data whether in physical, electronic, computerised or any other form; and*
- c) for a period of three (3) months after the date of termination of my time with Council I will not on my own behalf or on behalf of a business competitor, canvass, solicit or otherwise endeavour to entice away from the Council any client.”*

4. Appropriate use and preservation of assets and resources

This means planning projects and business activities so that existing resources are used efficiently, thinking imaginatively about alternatives, seeking suppliers whose practices are also sustainable and using and maintaining existing assets and resources with care. These principal guides those setting the long-term goals of the Council as well as employees using equipment, vehicles and other assets of the Council every day.

Assets must be used effectively and stored securely so that they perform well over a reasonable life span. The Council will act against any employee who steals or misappropriates a Council assets.

Responsibility for how staff members use assets

Managers must ensure that there are suitable practices in place for the use of assets, so that, where it is appropriate, employees should obtain authorisation to use them. They should also ensure that assets and equipment are secure and well-maintained.

The Council’s assets and resources are there for Council purposes. They may be used for private purposes only if they are supplied as part of a contract of employment or if the General Manager authorises it.

Information about the Council’s assets is stored on the Asset Register, the register shows what work area has the use of it and which manager is responsible for the asset. This person authorises its use, ensures it is secure and in good condition, and that there is, if necessary, training in its use. This

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manager may delegate day-to-day administration for the use of equipment to other employees, but they are still responsible for the assets.

If an asset is damaged, the manager named as responsible in the Asset Register should be notified so that they can arrange for its repair or replacement. Some kinds of damage may be subject to an insurance claim and in this case the manager should inform the Deputy General Manager as soon as possible. If an asset is lost the manager must notify the Deputy General Manager who will look for it or notify the Police and Insurance Company of its loss.

5. Conflict of interest, gifts and hospitality

This section is quite extensive as it covers conflicts of interest, other disclosable interests, as well as gifts and hospitality.

Conflict of Interest

Employees may have private interests that conflict or may be perceived to conflict with the interests of the organisation. These interests must be declared. Conflict of interest provisions can be complex, and you are encouraged to seek advice from your Manager or the General Manager if you have any questions.

Under the *Local Government Act 1993* ("the Act"), a member of Council staff has a conflict of interest in respect of a 'matter' if he or she has a direct interest or an indirect interest in the matter.

A 'matter' means a matter with which a member of council staff is concerned and that will require a power to be exercised, or a duty or function to be performed, or a decision to be made.

How do I know if I have a direct interest in a matter?

A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood, that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected, if the matter is decided in a particular way.

How do I know if I have an indirect interest in a matter?

Indirect interests fall within the following:

An indirect interest by close association

A person has an indirect interest by close association in a matter if:

- a) a family member of the person has a direct interest or an indirect interest in a matter; or
- b) a relative of the person has a direct interest in a matter; or
- c) a member of the person's household has a direct interest in a matter.

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An indirect financial interest

A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, because of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.

An indirect interest because of conflicting duties

A person has an indirect interest in a matter because of a conflicting duty if the person:

- a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
- b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
- c) is a trustee for a person who has a direct interest in a matter.

A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in points (a), (b) and (c) above and, in that position or role, dealt with the matter.

Whether or not your duties relate to the matter in question does not alter the situation. Your duties may not relate in any way to the matter, but just the fact that you have work related responsibilities to the relevant person or organisation may create a situation of conflicting duty.

Other employment or unpaid activity

Council employees should only engage in other employment or unpaid activity where these do not conflict with their role as a Council employee. Other employment includes a second job, conducting a business, trade or profession. Examples of unpaid activity may include volunteering and sitting on a board external to the Council.

Managers can assist employees to determine if such activity will cause an actual or perceived conflict of interest. If employees believe there may be a conflict of interest, they must seek advice from the General Manager.

Gifts and benefits

In a private context gifts and benefits are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude, with no expectation of repayment. Gifts given in a private context are not the focus of this policy.

Gifts and benefits may also be offered to individuals; such gifts and benefits are often given for commercial purposes and serve to create a feeling of obligation in the receiver.

Council employees must be seen to be fair, impartial and unbiased.

Council employees should actively discourage offers of gifts and benefits and must not solicit gifts or benefits.

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Council employees must not take advantage of their official position to secure an unreasonable personal profit or advantage.

People doing business with the Council should be encouraged to understand that they do not need to give gifts or benefits to Council employees to get high quality service.

From time to time Council employees may be offered gifts or benefits. In some limited circumstances gifts and benefits may be accepted. Token gifts of nominal value may generally be received. Non – token gifts of significant value should not generally be accepted.

Council employees should always be aware of the wider situation in which an offer of a gift or benefit is being made. For example, Council employees should consider whether the donor is in or may be seeking to enter a business relationship with Council or may be applying to Council in relation to the exercise of Councils functions.

Council employees must avoid situations that suggest that a person or body, through the provision of gifts or benefits is attempting to secure favourable treatment from Council.

When deciding whether to accept or decline a gift or benefit, consideration should be given to both the value of the gift or benefit and the intent of the gift or benefit being offered.

Acceptable gifts and benefits

Gift or benefits of a token nature at or below nominal value may generally be accepted by Council employees without disclosing details to the General Manager or Mayor and without recording the details of the gift or benefit on the Gifts, Benefits Declaration Form or Register.

That said, Council employees who receive more than the specified number of token gifts of a nominal value from the same person or organisation, in a specified period must disclose that fact in the gifts, benefits and donations register.

If a Council employee has any doubt if a gift or benefit is a token or of nominal value (\$50) they should discuss it with the Deputy General Manager, General Manager or Mayor.

Token gifts and benefits

Gifts or benefits of a token nature do not create the appearance of a conflict of interest and include:

- Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers;
- Books given to individuals at functions, public occasions or in recognition of exceptional work done;
- Gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done;
- Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business.

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- Free meals of a modest nature and beverages provided to Council employees who formally represent Council at work related events such as training, education sessions and workshops;
- Invitations to approved social functions organised by groups such as Council Committees and community organisations.

Non acceptable gifts and benefits

Council employees should generally not accept gifts or benefits that appear to be non-token in nature or more than the nominal value (\$50).

If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or benefit must be declared via completion of a Gifts and Benefits Declaration Form, and the details must be recorded on the council Register.

If a Council employee refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive “special treatment”, then such instances are to be reported to the Deputy General Manager, the General Manager or Mayor.

Non token gifts and benefits

Gifts or benefits of a non-token nature include:

- A service.
- A loan of money.
- A loan of property.
- Free or discounted travel.
- Use of holiday homes.
- Tickets for major sporting events.
- Corporate hospitality at a corporate facility or sporting venue.
- Free training excursions.
- Access to confidential information.
- Discounted products for personal use.
- Goods and services provided via determination in a Will.

At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to host authority. These gifts may be given as an expression of gratitude without obligation to the receiver to respond. Gratitude usually extends to the work of several people in the authority and therefore the gift is for the authority, not a particular individual.

An indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

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When considering whether you have a conflict of interest, the question to ask is whether an outside observer would consider the interest could affect the ability of the person having it to deal with the matter impartially.

Disclosure requirements

If an employee considers they have an interest in relation to a matter that conflicts with their public duty, he or she must notify their manager (or in case of a manager, the General Manager) that they have an interest or that there could be the possibility of one arising. They should do this as soon as the interest or potential interest is identified. The manager must then determine whether the interest or the circumstances of the person could be perceived as compromising his or her capacity to carry out duties.

Once the manager has determined whether there is an interest, the manager may:

- reorganise the duties of the person so as to remove them from participation in the matter leading to the interest; or
- put in place a process which will ensure that the person will perform his or her duties impartially and notify the person of this and make a record of the declaration of the interest; or
- require the employee to cease the activity that gives rise to the conflict.

If the manager considers the interest would interfere with the performance of the employee’s duties, then the manager must take steps to make sure the person with the interest is not part of any discussions or deliberations in relation to the matter.

Council Staff with a delegated power, duty or function

An employee that has a direct or indirect interest in a matter in which they have a delegated power, duty or function of the Council under the Act or another Act, must not exercise the power or discharge the duty or function.

In addition to notifying their manager of the conflict, all employees must also disclose the interest to the General Manager, in writing, as soon as he or she becomes aware of the conflict of interest.

Employees and persons providing advice

Employees and persons engaged under a contract to provide advice or a report to a meeting of a Council or a special committee, who have a direct or indirect interest in a matter to which the advice or report relates, must disclose the interest when providing the advice or report and before the advice or report is considered by the Council or the Committee.

Failure to disclose interests

Depending on the nature of the breach, sanctions will vary from counselling, use of disciplinary procedures, suspension, civil action, or reporting of actions to enforcement authorities. This applies to employees and includes the manager’s failure to act if they have the knowledge.

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6. Disclosure of criminal offences

It is not discrimination if a person's criminal record means that he or she is unable to perform the inherent requirements of a particular job. (Extract from the Australian Human Rights Commission – accessed on 09/07/09)

Council employees must advise their Manager if they are charged with a criminal offence, which is punishable by imprisonment, or if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform. The Manager will discuss the disclosure confidentially with the General Manager to ensure the disclosure is dealt with appropriately.

Council has policies and procedures to ensure that employees are aware of both employer and employee obligations in relation to the *Anti-Discrimination Act 1998* and the *Australian Human Rights Commission Act 1986*:

- 2015-34 Harassment and Discrimination Policy
- 2015-33 Bullying Policy
- 2013-18 Employee Recruitment and Selection Policy

Council identifies roles within the organisation that require a pre-employment check such as a Police Check or Working with Vulnerable People Check. Other positions may be identified because of the possible nature of risk to the Council, its employees, customers and the community it serves.

Where an ongoing risk is identified, employees may be required to complete ongoing Police Checks and Working with Vulnerable People Checks at designated intervals during the course of their employment.

7. Fairness, equity and diversity

Employees must treat others fairly and with respect for the differences of others. This aspect of workplace relations is also affected by anti-discrimination and equal opportunity laws. These laws apply to how we treat other employees and our clients.

8. Workplace health and safety

Managers must take all reasonable steps to ensure employees and others working on behalf of the Council know the standards and statutory regulations that affect them. All employees are obliged to comply with safety standards and not breach them either deliberately, by negligence or by trying

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to force another to breach those standards. If an employee identifies a hazard, it must be reported immediately to their manager.

No one may bully, harass or behave in a discriminatory manner towards a colleague or others associated with Council. All breaches of this kind will be subject to disciplinary action.

9. Policies and guidelines referred to within this Code

- 2013-18 Employee Recruitment and Selection Policy
- 2014-24 Work Health and Safety Policy
- 2015-33 Bullying Policy
- 2015-34 Harassment and Discrimination Policy
- 2015-40 Gifts, Benefits and Donations Policy
- 2017-46 Related Party Disclosures Policy
- 2017-47 Disciplinary Policy and Procedure

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Policy No. 2025 - 67

Social Media Policy

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1. Purpose

The purpose of this policy is to provide understanding and guidance for the appropriate use of social media and applies to Councillors, employees, contractors, agents and volunteers of Council when acting in an official capacity and/or representing Council on social media platforms and in digital spaces.

This policy applies to the use of social media for:

- the purpose of conducting council business and when representing Council; and
- personal use where reference is made to Councillors, staff, policies and services, suppliers or other stakeholders or council-related issues.

The intent of this policy is to provide guidance on the appropriate use of social media platforms and tools in order to enable and encourage its use by Councillors, employees, contractors, agents and volunteers for the purpose of conducting council business.

The policy aims to:

- Promote effective and productive community engagement through social media;
- Provide guidance about the appropriate use of social media tools;
- Reduce the likelihood of miscommunication or inappropriate communications;
- Help manage new challenges associated with social media such as speed and immediacy, record keeping, artificial intelligence (AI), privacy and security;
- Provide clarity about roles and responsibilities in relation to use, approval and monitoring.

2. Scope

This policy applies to Councillors, employees, contractors, agents and volunteers of Council who purport to use social media on behalf of Council. This policy will also apply to agencies and individuals who provide services to Council and will be included in all relevant external supplier contracts.

The policy applies to all current and future social media tools and channels where people comment, view, contribute, create, forward, post, upload and share content, such as:

- Blogs, forums, discussion and bulletin boards, and citizen journalism and news sites which facilitate public comment;
- Social networking sites (Facebook, LinkedIn, Twitter, Instagram, Snapchat, Pinterest);
- Podcasts, video podcasts and video sharing sites (Flickr, YouTube, Vimeo);

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- Instant messaging tools (Facebook Messenger, WhatsApp);
- Online encyclopaedias (e.g. Wikipedia);
- Online and internal collaboration platforms (e.g. Yammer, Wiki, Slack);
- Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As it is not possible to expressly refer to or list all specific sites or kinds of social media activity, the absence of a reference does not limit the application of this policy.

Limited personal use of social media is permitted during paid working hours provided it is incidental. Use must not affect the expected levels of performance and productivity, output and work responsibilities, and must comply with relevant policies.

3. Legislative and Policy Framework

Councillors and staff are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies. A list of relevant legislation which may be used as a guide is included in Appendix A.

This policy should be read in conjunction with other relevant policies and procedures of Council. Policies and guideline provisions which must be adhered to in relation to the use of social media include the following:

- 2014 - 20 Media Policy
- 2014 - 30 Privacy (Personal Information) Policy
- 2015 – 37 Information Management (Recordkeeping) Policy
- 2016 – 42 Model Code of Conduct
- 2017 – 51 Staff Code of Conduct Policy
- 2018 – 55 Code of Conduct for Members of the Audit Panel
- 2019 – 56 Cyber Security Policy
- 2024 – 64 Respectful Relationship Policy

4. Policy Statement

Council encourages the appropriate and professional use of social media to aid the efficient and effective conduct of Council business.

Social media is recognised as an important channel, used in conjunction with traditional methods, to communicate, listen to, engage and collaborate with the community and enhance the delivery of services.

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At all times, use of social media by Councillors and staff should be done in a professional manner, in accordance with relevant policies and legislation, and consistent with the values of Council.

5. Social Media Standards and Expectations

Staff will have access to Council social media platforms for business purposes as per responsibilities within their position descriptions or by approval of the General Manager.

When using social media, ensure that you:

- Adhere to Council's codes of conduct, policies and procedures;
- Behave with courtesy, honesty and respect;
- Comply with relevant laws and regulations;
- Reinforce the integrity, reputation and values of Council;
- Ensure communications are professional, accessible and demonstrate a standard of conduct and behaviour that is consistent with the code of conduct, relevant legislation, regulations and policies.

5.1. Use

Speak how you would like to be spoken to

- Be courteous, patient and respectful of others' opinions, including detractors;
- Use your own voice, but be mindful of language and expression;
- Don't make statements or forward, share or upload content that is malicious, defamatory or may negatively impact the reputation of another;
- Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

Refer to Appendix B for guidance on how to respond to social media comments.

Stick to the facts

- Only comment about matters within your area of expertise;
- Be accurate, constructive, helpful and informative, and correct any errors as soon as practicable;
- Only publish content and statements that you know are true, clear and not likely to mislead or deceive;
- If you make an error, be up front and correct it quickly.

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Keep your opinion, beliefs and political views separate from Council business

- Only publish content on Council's social media channels that is apolitical, in line with official Council positions and Council values, and free from personal opinions, beliefs and political views;
- Council staff using private social media channels outside of work hours to comment about Council-related matters should clearly identify their comments as their own personal opinions, be accurate and factual and not disparage Council, councillors, employees or contractors etc;
- Councillors should use social media in accordance with Policy No. 2016 – 42 Model Code of Conduct. All Councillors social media accounts should have a prominent statement that clearly identifies they are not speaking on behalf of Council. In expressing individual views, Councillors must do so in a way that does not undermine the community's trust or confidence in Council and maintains respectful relationship with fellow Councillors and staff.

Stay within your level of authorisation

- Only use social media channels in the manner for which you have been authorised and do not commit Council to actions or undertakings beyond your delegation;
- Leave formal statements and announcements to the official spokespeople and if you are unsure, check with your manager;
- Refer any media enquiries via social media or posts about potentially sensitive/political issues to the General Manager for a response in line with Council's Media Policy.

Be fair and transparent

- Be clear about your professional identity and any vested interests and refrain from covert, anonymous or deceitful representation including via a third party;
- Encourage open, honest and transparent engagement and feedback by the online community;
- Refrain from any behaviour which could be seen as biased, showing undue favour or in response to real or perceived compensation or reward.

Maintain confidentiality and respect the privacy and property of others

- Only discuss publicly available information and maintain the confidentiality of internal discussions, confidential decisions of Council, and personal or private information about Councillors, employees or third parties;

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- Seek permission from anyone who appears in any photographs, video or other footage before sharing via any form of social media and, if asked to remove materials, do so as soon as practicable;
- Only use or reproduce copyright material, or the intellectual property of others, including applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music if you have permission from the creator or owner and ensure they are acknowledged.

Be responsible, accessible and responsive

- Appropriately monitor any social media sites created and ensure they can be easily edited, improved or removed. Ensure that inappropriate content is removed in a timely manner;
- Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Refer to Appendix B for guidance on how to respond to social media comments;
- Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, address and other social media contact methods
- Ensure information on social media meets government web standards for accessibility and/or is available in another form where practical;
- Do not use social media when inebriated, irritated, upset or tired;
- Protect your personal privacy and guard against identity theft.

Uphold acceptable content standards

Under no circumstances is the following content permitted on Council social media channels. If found, you must formally report, record and then delete it immediately:

- Abusive, profane or sexual language;
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender identity, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation;
- Illegal material or materials designed to encourage law breaking;
- Materials that could compromise council, employees or system safety;
- Materials which would breach applicable laws (defamation, privacy, trade practices, copyright, financial rules and regulations, fair use, trademarks);
- Confidential information about council or third parties;

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- Material that would offend contemporary standards of taste and decency;
- Material which would bring the council into disrepute;
- Personal details or references to Councillors, staff or third parties, which may be inconsistent with Policy No. 2014 - 30 Privacy (Personal Information) Policy;
- Spam, meaning the distribution of unsolicited bulk electronic messages;
- Statements which may be considered to be bullying or harassment.

If you have any doubt about applying the provisions of this policy, check with the General Manager before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice in accordance with Policy No. 2013 - 11 Legal Opinions Policy.

5.2. Management

Approval

The establishment of new social media sites must be approved by the Department Manager. Approval of new social media sites should consider the identified business objective, audience, proposed use in line with this policy, resourcing requirements and ensure alignment with Council's branding and style guidelines.

Security

To protect from unauthorised use of Council's social media channels, login information should be kept secure and changed at regular intervals:

- Choose a strong password of at least 12 characters long, includes a mix of uppercase and lowercase letters, numbers, and special symbols, and is unique to each account. Avoid using easily guessable information like names or common words;
- Store login information in a secure location;
- It's recommended to change passwords every 60 to 90 days for standard user accounts, while highly privileged accounts may require more frequent changes;
- Remove administrator access to any Council social media channels immediately when the relevant staff member ceases employment with the organisation.

Monitoring

Council's social media channels should be regularly monitored and maintained to ensure appropriate use. Ensure that inappropriate content is removed in a timely manner. Where

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necessary keep formal records of social media activity in line with Policy No. 2015 – 37 Information Management (Recordkeeping) Policy.

Council and non-council social media channels should be monitored for information, research and insight into issues circulating in the community and/or matters that impact on the municipality, its operations or reputation.

Evaluation and continuous improvement

Use of council’s social media channels should be reviewed at regular intervals to ensure they are achieving business objectives and to seek opportunities for further improvement. This includes review of qualitative (feedback, comments) and quantitative data (engagement, audience composition, click throughs to Council websites etc.).

6. Roles and responsibilities

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> Understand and comply with the provisions in this policy and Policy No. 2016 – 42 Model Code of Conduct; Seek training and development for using social media; Seek advice from the General Manager if unsure about applying the provisions of this policy; Ensure appropriate records management practices are in line with Policy No. 2015 – 37 Information Management (Recordkeeping) Policy; Seek approval before using any Council branding on social media; Familiarise yourself with the End User Licence Agreements of any external social media tools being used.
General Manager	<ul style="list-style-type: none"> Ensures that the Council’s use of social media complies with the intent and requirements of this policy; Educate councillors and staff about this policy and their responsibilities when using social media; Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.
Managers	<ul style="list-style-type: none"> Provide advice and assist with the development of communication strategies/plans using social media; Approve any business strategies/plans which incorporates the use of social media; Ensure staff consult and obtain appropriate approvals for their planned use of social media; Ensure contractors are provided with a copy of the social media policy and access revoked at the cessation of the contract;

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	<ul style="list-style-type: none"> • Include social media responsibilities in staff position descriptions if relevant; • Offer training for staff using social media; • Monitor social media accounts/tools/sites registered for conducting Council business; • Ensure processes are in place to remove access to Council's social media channels for relevant staff at the end of their employment.
Staff, contractors and volunteers	<ul style="list-style-type: none"> • Seek approval from your manager for business strategy incorporating social media; • Seek authorisation from General Manager on using social media and developing a communications plan to support business strategy; • Seek approval before using any Council branding on social media; • Seek training and development for using social media; • Understand and comply with the provisions in this policy; • Ensure appropriate records management practices are in line with Policy No. 2015 – 37 Information Management (Recordkeeping) Policy; • Seek advice from Department Manager if unsure about applying the provisions of this policy; • Ensure contractors are provided with a copy of this policy; • Familiarise yourself with the End User Licence Agreements of any external social media tools being used.
IT Contractor	<ul style="list-style-type: none"> • Facilitate secure access to support delivery of Council business via social media; • Regularly back up and archive internally hosted social media sites;

7. Adherence to Policy

Council reserves the right, for legal compliance purposes, to monitor social media usage on its systems without advance notice and consistent with any applicable state, federal or international laws.

Council will actively monitor social media for relevant contributions that impact on the Council, its operations and reputation, and remove, where possible, content that violates this policy or any associated policies.

Any staff found breaching this policy may be subject to disciplinary action, performance management and/or review. Serious breaches may result in suspension or termination of employment or association in accordance with Council policies. Any content that breaches the policy guidelines will be recorded and kept on personnel records.

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For Councillors, breaching this policy may result in a code of conduct complaint.

If Councillors or staff become aware of any comments that breach these guidelines they should report them to the General Manager and include a link or reference to the offending material.

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Appendix A – Relevant Legislation

Councillors and staff are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

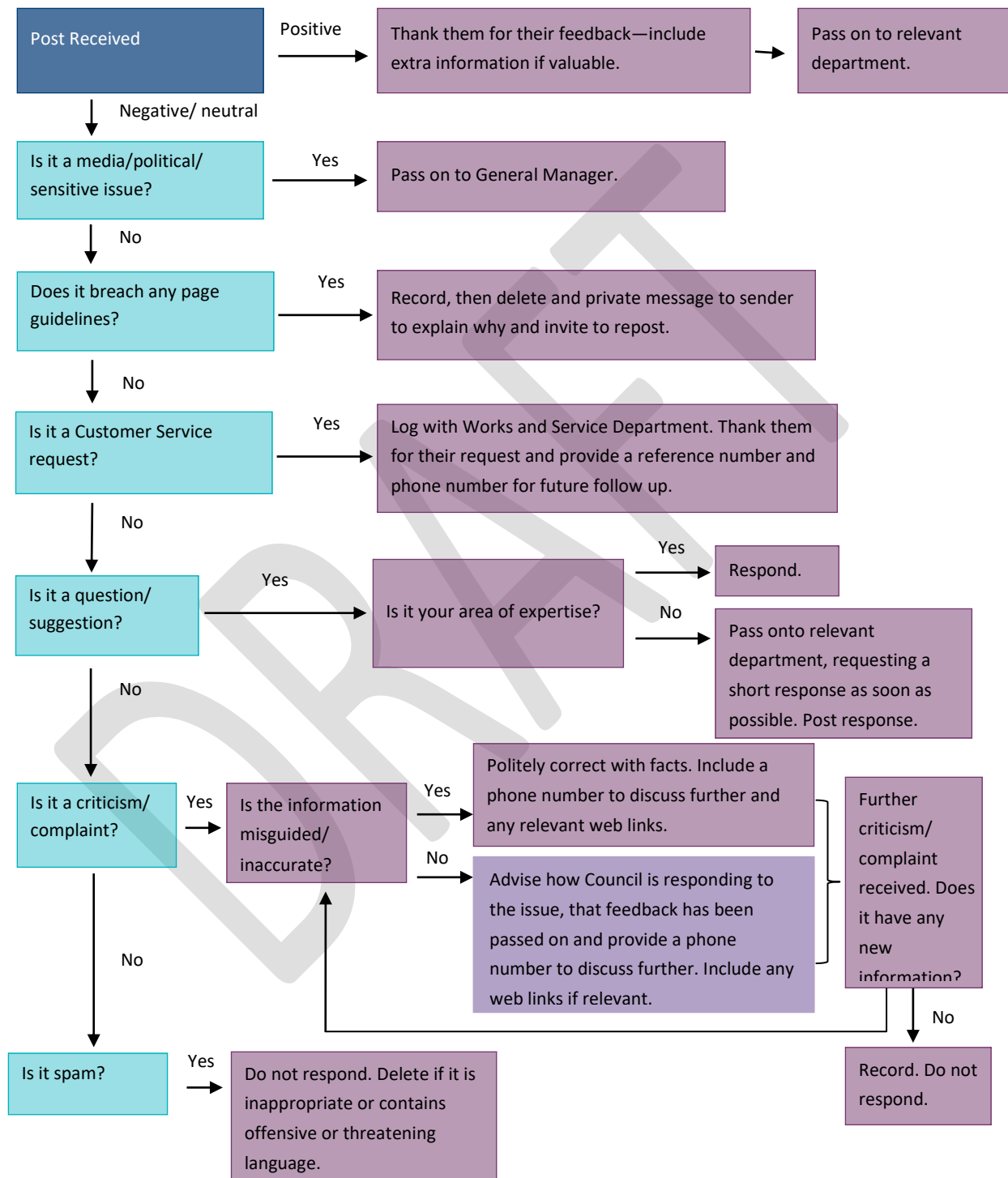
Relevant legislation includes, but is not limited to the following:

- *Anti-Discrimination Act 1998*
- *Australian Consumer Law Act 2010*
- *Australian Human Rights Commission Act 1986*
- *Archives Act 1983*
- *Civil Liability Act 2002*
- *Copyright Act 1968*
- *Criminal Code Act 1995*
- *Defamation Act 2005*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Local Government Act 1993*
- *Online Safety Act 2021*
- *Personal Information Protection Act 2004*
- *Privacy Act 1988*
- *Public Interest Disclosures Act 2002*
- *Right to Information Act 2009*
- *Spam Act 2003*

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Appendix B – Response Guide

A guide for deciding which posts need a response and in what manner.



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Policy No. 2025 - 68

Private Works Policy

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Purpose

To provide a framework for performing private works that is applicable to everyone, transparent, objective and consistent. To undertake private works at market prices ensuring an acceptable profit margin to Council that is consistent with anti-competitive requirements and the no advantage requirements of the *Local Government Act 1993*.

Scope

This policy applies to all private works undertaken by Council on behalf of any applicant. Works may include the supply of labour, materials, plant and services.

Outside the scope of the policy is any circumstance where a state of federal government grant is provided for works or services to private land, which are designed to be administered by and delivered through council operations.

Policy Statement

Priority for use of Council's plant, equipment, labour and other resources is to be always given to Council's own work program, before entering into a private works arrangement. It is Council's preference that all private works be undertaken by private contractors in the first instance. Council reserves the right to refuse a request for private works if it is deemed to conflict with trade practices restrictions, outside of Council's capabilities, resource availability or for any other reason deeming the works unachievable by Council.

Major Private Works

Major Private Works will only be considered in the following circumstances:

- There is no private contractor available to undertake the work;
- The project would be of strategic economic, social or environmental benefit to the community;
- Council have the capacity to engage in the project;
- It may provide a valuable training opportunity for the Staff; and
- Major private works (valued above \$25,000 excl GST) will required the consent of the General Manager.

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Minor Private Works

Minor private works (valued at or below \$25,000 excl GST) will require the consent of the Works and Service Manager.

Plant Hire

- Council will not hire plant without an approved Council operator and in accordance with this Policy.
- Council is responsible for the payment of Council operators engaged on private works. No other payment arrangements are permissible.
- Where Council agrees to undertake private works and the works are not on private property engaged directly by the land owner, the hirer shall have adequate public liability insurance to cover the activities of the hired plant. Evidence of that insurance and permission of the land owner must be provided to Council prior to commencement of the works.

Scope of Works

- A scope of works is to be included with estimates and quotes for all private works.
- The scope of works for Minor Private Works must be clearly outlined, including the works to be undertaken, permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
- Major Private Works may include design drawings and specifications where appropriate and all permits required to be provided to Council prior to commencement of works.

Costings

- Where a Major Private Works project has been approved, a firm quotation must be provided.
- All quotations must be in writing and must be accepted by the applicant in writing prior to commencement of the works. Quotation shall be valid for 30 days only, after which an updated quotation will be provided on request.
- Where a Minor Private Works project has been approved, an estimate of costs will be provided.

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- All estimates and quotes provided are GST-inclusive.
- Hire rates for Council plant must comply with Council’s external plant hire rates.
- Hourly Rates for staff must include on-costs for wages.
- Where plant/equipment is hired outside of normal working hours, the applicant will be charged the operator overtime or penalty rates as prescribed in the relevant award and Council’s Enterprise Agreement.
- Quotes may include a contingency.
- Variations to scope may incur additional charges to the original quote and must be agreed to in writing by both parties before commencing additional works.

Conflicts of Interest

Council employees, elected members, volunteers, consultants and contractors must not gain any advantages when any private works are undertaken by Council and all provisions contained in this policy and Council’s Code of Conduct apply.

Payment

- Upon completion the relevant Works and Service Manager will arrange for the private works to be invoiced.
- Payment terms are 30 days.
- The applicant is responsible for paying the invoiced amount in full by the due date.
- A deposit or milestone payment maybe required for Major Private Works.

Legislation

- *Local Government Act 1993*
- *Workplace Health and Safety Act 2012*

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central
highlands
COUNCIL

Memorandum of Understanding

between

Tasmania Police

and

Central Highlands Council

**For the operation of public safety camera systems managed by
Tasmanian councils**

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1 Purpose

- 1.1 This Memorandum of Understanding (MOU) is entered into between Tasmania Police and the Central Highlands Council.
- 1.2 The purpose of this MOU is to:
 - 1.2.1 Detail the agreed understanding between both parties for the operation, management, and use of public safety camera system (CCTV systems) within the Local Government Area.
- 1.3 This MoU is based upon a template developed by LGAT and Tasmania Police.
- 1.4 This MOU relates to the operation and management of the council's Closed Circuit Television (CCTV) systems intended to manage public safety.

2 Definitions and Interpretations

2.1 Definitions

In this MOU unless the contrary intention appears, the following definitions will apply:

Business Day means a day that is not a Saturday, or a Sunday, or a public holiday in Tasmania

CCTV means closed circuit television owned or operated by a council

CCTV Cameras mean any cameras associated with a CCTV system

CCTV images means any images, footage or recordings recorded or captured by a CCTV system

CCTV System means any physical element of a CCTV system, consisting of several main assets, such as cameras, relay systems like cabling or radio antennas and video data storage, viewing and printing devices.

CCTV Policies means any policy, procedures, codes of practice and protocols relating to a CCTV system

Commencement Date means the date is the date from which both parties have agreed to and signed the MOU

Confidential Information means information (in whatever form) of a party including but not limited to technical, scientific, and financial information which comes into the possession of the other party through intentional or unintentional disclosure, excluding information which:

- (a) is or comes into the public domain other than by disclosure in breach of the terms of this MOU
- (b) is or becomes available to the recipient party from a third party lawfully in possession of it and with the lawful power to disclose it to the recipient party
- (c) is rightfully known by the recipient party (as shown by its written record) prior to the date of disclosure to it under this MOU, or
- (d) is independently developed by an employee of the recipient party who has no knowledge of the disclosure made under this MOU.

Dispute Notice means a notice of the existence of a dispute given by one party to another party or parties in the circumstances set out in clause 19

Law means the law in force in the State of Tasmania and the Commonwealth of Australia, including common law, legislation, regulations, by-laws, and other subordinate legislation

Law Enforcement Information means information referred to in section 30 of the *Right to Information Act 2009* (Tas)

Milestone is the software platform used by Council for the CCTV system at the time of entering into this MoU. This is not intended to prevent a future change to an alternative software platform. Where an alternative system is put in place, 'Milestone' is to be read as the alternative system.

MOU means this Memorandum of Understanding

Notice means a written notice, demand, certification, process, consent, approval, or other communication in the English language, given under this MOU as detailed in clause 18

Party means a party to this MOU and Parties means both

Personal Information Protection Principles means the Personal Information Protection Principles set out in Part 3, *Personal Information Protection Act 2004* (Tas)

PIP Act means the *Personal Information Protection Act 2004* (Tas)

Representative means the person nominated by the parties or any other person or persons subsequently nominated by a party

Senior Officer means the person nominated by the parties or any other person or persons subsequently nominated by a party

2.2 Interpretation

In this MOU unless the context indicates to the contrary:

- (a) words importing a gender include any other gender
- (b) words importing persons include a partnership and a body whether corporate or otherwise
- (c) words in the singular include the plural and words in the plural include the singular
- (d) words which are defined in the *Personal Information Protection Act 2004* (PIP Act) have the same meaning in this MOU as in the PIP Act
- (e) reference to any statute or other legislation (whether primary or subordinate) is to a statute or other legislation of the Commonwealth of Australia or the State of Tasmania amended or replaced from time to time
- (f) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning
- (g) "includes" means includes without limitation

- (h) where a conflict or inconsistency arises between the terms and conditions contained in the clauses, the terms and conditions of the clauses prevail to the extent of the conflict or inconsistency.

2.3 Headings

Headings are for guidance only and do not affect the interpretation of this MOU.

3 Governance

3.1 Management of MOU

- 3.1.1 This MOU will commence on the Commencement Date and remain in force unless terminated by either party.
- 3.1.2 The parties agree that any previous version will be revoked upon signing this MOU.
- 3.1.3 This MOU is not intended to create legal relations or constitute a legally binding agreement between the parties. However, the parties agree to comply with all its terms.
- 3.1.4 The parties will exercise their rights and perform their obligations under this MOU in a co-operative, consultative and transparent manner.
- 3.1.5 LGAT and Tasmania Police will review this MOU every five years from the date of first commencement in Tasmania. LGAT will coordinate local government feedback into this review.
- 3.1.6 This MOU may be terminated:
- by mutual agreement of both parties in writing
 - where a party wishes to cease its involvement in this MOU, by giving 15 business days' notice to the other party unless the parties otherwise agree to a shorter period, or
 - where a dispute has not been able to be resolved under clause 19.5, by either party giving 5 business days' notice to the other party.

4 Objectives of the CCTV system

- 4.1 The objectives of the CCTV system is to:
- Provide for CCTV network and monitoring that will enhance people and property safety and risk management for the community, Council, and Tasmania Police.
 - Provide the Council and Tasmania Police with access to an integrated, standardised, efficient, managed CCTV platform.

5 Governing Principles

- 5.1 The parties' use of the CCTV systems will be in accordance with the following principles:
- people are entitled to a reasonable expectation of privacy when in public places
 - the parties, as users of the CCTV systems, should act responsibly and consider the reasonable expectations of an individual's privacy
 - all reasonable steps must be taken to protect information gathered through public place CCTV systems from misuse or inappropriate disclosure
 - the parties, as users of the CCTV systems, are accountable for its proper use.
- 5.2 The parties will co-operate to achieve the highest standards applicable for the appropriate use of the CCTV systems and ensure:
- the purpose of this MOU is fulfilled
 - their joint objectives are achieved
 - the governing principles above are respected
 - the public interest is protected.

6 Responsibilities of the Council

- 6.1 The Council is responsible for:
- Installing, maintaining, repairing, and replacing all infrastructure associated with the CCTV systems, including the hardware and software needed to operate, monitor, and maintain the CCTV systems in accordance with its asset management policies, standards (or similar)
 - the provision of any base Milestone software licensing required for the use of the images, footage or recordings generated by, or captured on, the CCTV systems by Tasmania Police for the purpose of this MOU.
 - deciding final CCTV camera locations
 - consulting with Tasmania Police on new or changed locations of CCTV cameras in public spaces
 - taking reasonable steps to inform people of the use of CCTV cameras, including contact details, a link to the Council's CCTV policy and the purpose of the CCTV cameras.
 - responding to requests for CCTV system maintenance in a timely manner
 - developing CCTV procedures (based on LGAT's template Public Safety Camera Policy) in coordination with Tasmanian Police, in accordance with any applicable policy and procedural standards.

7 Responsibilities of Tasmania Police

7.1 Tasmania Police is responsible for:

- providing advice to council on preferred CCTV camera locations based on available data and knowledge
- providing training to relevant Tasmania Police members around the operation of the CCTV systems, and including CCTV policies
- ensuring access to the CCTV system by relevant Tasmania Police members is conducted in accordance with this MoU and its relevant policies.
- ensuring CCTV images received by Tasmania Police are handled in accordance with Tasmania Police policy and applicable law
- reporting any CCTV system maintenance issues it identifies to the Council in a timely manner
- hardware and software (except Milestone) to access the CCTV system and any additional specialised software or hardware, such as to support Automatic Number Plate Recognition (ANPR)
- providing assistance to the Council in relation to the development of CCTV Policies.

8 Images, Footage or Recordings Generated by the CCTV Systems

8.1 CCTV images are the property of the Council.

8.2 Tasmania Police is granted a permission to use the CCTV images only as is necessary to fulfil its law enforcement and other legislated functions, guided by its policies and this MoU.

8.3 CCTV images will be stored on a Milestone-compliant council-managed hardware solution where it may be accessed by members of Tasmania Police or the council in accordance with CCTV policies and applicable law.

8.4 The CCTV images will be stored for a minimum of 31 days and may be deleted after that time, in accordance with CCTV policies and applicable law. Associated metadata, including any personal information will also be deleted.

9 Procedures for Access to CCTV images

9.1 Council will have and maintain a policy for lawful and secure access to its CCTV systems and will provide this to Tasmania Police. LGAT will provide a template policy for councils.

9.2 Tasmania Police is able to directly access and download CCTV images, online or through a non-network connected server at a Police Station.

9.3 Where direct access is unavailable, Tasmania Police may make a request to the Council to access CCTV images

- 9.4 Details of any CCTV images accessed by Tasmania Police members will be automatically recorded on a register within the Milestone software that will be assessable via request.
- 9.5 Tasmania Police will provide the means for storing CCTV images that they obtain under this MOU.

10 Monitoring of the Images, Footage or Recordings Generated by CCTV Systems

- 10.1 Tasmania Police members may review or monitor the CCTV images as part of its law enforcement or other legislated functions.
- 10.2 Tasmania Police does not have an obligation to continuously monitor the images from the CCTV systems.

11 Training

- 11.1 To support Tasmania Police to effectively access CCTV data:
- Council will supply the Officer in Charge, with the necessary written instructions, operating manuals and training materials (where available) required to properly operate the CCTV system
 - The Officer in Charge, will ensure that all relevant Tasmania Police members and State Servant Employees under his or her command receive relevant policies, training / instruction in the use and operation of the CCTV system hardware and software prior to operating the CCTV system.

12 Complaints

12.1 CCTV System Complaints

- 12.1.1 Complaints regarding the general operation of the CCTV systems are to be referred to the Council's representative.

12.2 Complaints Regarding Tasmania Police

- 12.2.1 Complaints relating to Tasmania Police's handling or use of CCTV images, policy or procedures, or Tasmania Police members, are to be referred to the Tasmania Police's representative, the Officer in Charge, Tasmania Police Professional Standards Command or the Tasmanian Integrity Commission, as applicable.

13 Public Requests for Images, Footage or Recordings Generated by CCTV Systems

- 13.1 Public requests made to Council:
- 13.1.1 Non-criminal nature - the Council will respond directly to the request for CCTV images guided by its Policies.
- 13.1.2 Criminal nature (or suspected) – Council will liaise with Tasmania Police before responding to such request.

- 13.2 Tasmania Police will respond to any formal public request made to it of a criminal nature for CCTV images.

14 Media Enquiries

14.1 Principles

- 14.1.1 Engagement with media rests with the party with the highest responsibility.
- 14.1.2 This MoU, specifically the objectives and principles will inform media responses. Where applicable, the parties will align their media messages for consistency and clarity.

14.2 Responsibilities for media enquiries

- 14.2.1 CCTV system is the responsibility of the council. Enquiries received by Tasmania Police will be referred to the Council's representative.
- 14.2.2 Law enforcement and issues regarding Tasmania Police's use of the CCTV system are the responsibility of Tasmania Police. Enquiries received by the Council will be referred to Tasmania Police's Media and Communications Department.
- 14.2.3 Joint crime prevention operations conducted by the parties are the joint responsibility. The parties will consult with each other prior to the issue of any media statements

15 Confidentiality and Privacy

15.1 Confidentiality

- 15.1.1 A party may use the confidential information of the other party only for the purpose of this MOU and in accordance with CCTV policies and applicable law.
- 15.1.2 A party must keep confidential information of the other party confidential except:
- for disclosures permitted under clause 15.1.3, and
 - to the extent that the party is required by law to disclose any confidential information.
- 15.1.3 A party may disclose Confidential Information of the other party to its officers or employees who:
- have a need to know for the purpose of this MOU (and only to the extent that each officer or employee has a need to know), and
 - before disclosure, have been directed to keep confidential all Confidential Information of the other party.
- 15.1.4 The arrangements under this clause 15 will survive termination of this MOU and will continue in relation to confidential information until the confidential information disclosed to a party lawfully becomes part of the public domain.

15.2 Privacy

15.2.1 Council acknowledges that it will be bound by the Personal Information Protection Principles in the PIP Act and any applicable Code of Practice with respect to any act done or practice engaged in by the Council under or in connection with this MOU in the same way and to the same extent as Tasmania Police would have been bound had it been directly done or engaged in by Tasmania Police.

15.2.2 The parties will cooperate to ensure they do not cause the other party to breach any privacy obligations that party has at law.

16 Record Keeping and Maintenance Register

16.1 Record Keeping

16.1.1 Tasmania Police agrees to collect, manage and/or use CCTV images, in accordance with applicable laws and any relevant Tasmania Police policy.

16.2 Maintenance Register

16.2.1 Council will maintain a register to record any outages and maintenance requests, or other technical difficulties encountered with the CCTV systems. This will be maintained within the CCTV Milestone software.

17 Notices

17.1 Any notice under this MOU must be addressed to the party or as otherwise notified from time to time in writing and may be hand delivered or sent by pre-paid post, pre-paid courier, or electronic mail (inclusive of a read receipt).

17.2 Any notice will be deemed to have been received by the party to which it was sent:

- in the case of delivery by person or by courier, on the date of delivery
- in the case of prepaid post within Australia, within 5 business days of the date of dispatch, and
- in the case of an electronic mail, on the day of transmission if the message is correctly addressed to and successfully transmitted to the receiving party's electronic mail address and an acknowledgement of receipt is recorded on the sending party's computer.

18 Dispute Notice

18.1 A party claiming that a dispute or disagreement has arisen under this MOU must give a written dispute notice to the other party, specifying the nature of the dispute.

18.2 A dispute notice may be withdrawn at any time by the party that gave the dispute notice.

18.3 Within 10 business days of the date of issue of the dispute notice the parties' representatives must commence good faith discussions in an attempt to resolve the dispute.

- 18.4 If the parties' representatives have not resolved the dispute within 20 business days of the date of issue of the dispute notice, the dispute must be referred to the parties' Senior Officers who will promptly meet for good faith discussions in an attempt to resolve the dispute.
- 18.5 If the parties' Senior Officers are unable to resolve the dispute within 20 business days of their meeting, either party may terminate this MOU in accordance with clause 3.1.6.
- 18.6 Notwithstanding the existence of a dispute, the parties will continue to perform their obligations under this MOU.

19 General

- 19.1 This MOU forms the entire understanding between the parties on the subject matter. All representations, communications, and prior agreements in relation to the subject matter are merged in and superseded by this MOU.
- 19.2 The parties may only vary this MOU by written agreement.
- 19.3 If the time for a party to do something is not specified in this MOU, the party will do what is required within a reasonable time.
- 19.4 In the event and to the extent of any inconsistency between the provisions of this MOU and the CCTV policies, the provisions of this MOU will prevail.

<p>Signed for Tasmania Police by:</p> <p>Donna Adams Commissioner of Police Date:</p> <p>Witnessed by Name: Role: Signature:</p>	<p>Signed for Central Highlands Council by:</p> <p>Stephen Mackey General Manager Date:</p> <p>Witnessed by Name: Role: Signature:</p>
<p>Tasmania Police's Representative</p> <p>Name: Email: Phone:</p>	<p>Central Highlands Council's Representative</p> <p>Name: Email: Phone:</p>