

2022-03-21 ORDINARY MEETING OF COUNCIL - OPEN COUNCIL ATTACHMENTS	
6.1 COUNCIL COMMITTEES - CONFIRMATION OF MINUTES.....	4
6.1.1 2022-03-02 Longford Local District Committee Meeting Minutes.....	4
9.1 POLICY REVIEW - WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY.....	6
9.1.1 Welcome To Country And Acknowledgement Of Country 1.....	6
9.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA): SUBMISSION OF MOTIONS.....	8
9.4.1 ALGA Notice Of Motions 2022.....	8
9.5 CONSULTATION ON NEW ABORIGINAL CULTURAL HERITAGE LEGISLATION....	11
9.5.1 Aboriginal Cultural Heritage Protection Act - Consultation Paper.....	11
11.1 MONTHLY REPORT: FINANCIAL STATEMENT.....	37
11.1.1 Monthly Works Infrastructure Capital Report 2021-2022 (February).....	37
11.1.2 Monthly Line Item Report 2021-2022 (February).....	44
14.1 DRAFT AMENDMENT 04/2021: PLN-21-0301: 17 CHURCH STREET, CAMPBELL TOWN.....	45
14.1.1 Application Form.....	45
14.1.2 Section 43 A Planning Report Campbell Town Colocation With Plans.....	49
14.1.3 Request For Further Information.....	96
14.1.4 Response To RFI - Rare Engineering - 3 December 2021.....	97
14.1.5 Response To RFI - Rare Engineering - 18 February 2022.....	108
14.1.6 Site Classification And Stormwater Disposal Evaluation Geoton 20 July....	123
14.1.7 Works & Infrastructure Referral Response.....	144

14.1.8 Tas Water SPAN - DA 2021-01949- NMC.....	149
14.1.9 Tas Networks Response And Requirements.....	152
14.2 PLN21-0323: 87 BULWER STREET & BULWER STREET, CATHERINE STREET, LEWIS STREET & BURGHLEY STREET ROAD RESERVES, LONGFORD.....	155
14.2.1 Application Form Description Of Proposal.....	155
14.2.2 Application Documents.....	156
14.2.3 GM Consent To Cash In Lieu Of Land For POS.....	241
14.2.4 Letter To Applicant 6-1-2022.....	242
14.2.5 Emails Regarding Letter To Applicant 6-1-2022.....	243
14.2.6 RAI TWDA 2022-00026- NMC.....	246
14.2.7 RAI 2 TWDA 2022-00026- NMC.....	248
14.2.8 Tas Water Submission To Planning Authority Notice.....	250
14.2.9 Tas Fire Response To Referral.....	254
14.2.10 Tas Networks Response.....	256
14.2.11 Representation R & B Baker & P Prewer.....	258
14.2.12 Representation - T Hall.....	260
14.2.13 Representation P & J Lee.....	262
14.2.14 Representation - M Rhodes.....	263
14.2.15 Representation N & J Streets.....	268
14.2.16 Woolcott Surveys Response To Representations 4 March 2021.....	269
14.2.17 Response To Representations Midson Traffic 3 March 2021.....	271

14.3 DRAFT AMENDMENT 01/2022 TO INSERT 873 ILLAWARRA ROAD, LONGFORD AND ADJOINING SECTION OF ILLAWARRA ROAD INTO THE LIST OF LOCAL HERITAGE PLACES.....	273
14.3.1 Request To Amend Planning Scheme With Attachments.....	273
14.3.2 Email From F & S Stewart 11 March 2022.....	285
14.4 REPORT ON REPRESENTATIONS TO DRAFT LOCAL PROVISIONS.....	292
14.4.1 Attachment 1 - S 35 F Report On Representations To Draft Northern Midlands LPS.....	292
14.4.2 Attachment 2 - Representations.....	326
14.4.3 Northern Midlands Draft LPS - TPC Letter Granting Extension To Provide Section 35 F(1) Report, 8 Mar.....	702
14.4.4 Flowchart- Draft- Local- Provisions- Schedule- LP S-Approval-Process.....	704

MINUTES:

**Of the Meeting of the Longford Local District Committee (LLDC)
Held by video-conference ('Zoom')
WEDNESDAY 2 MARCH 2022, COMMENCING AT 5.30PM**

- 1 **PRESENT** - Neil Tubb (chair), Bronwyn Baker, Simon Bower, Joanne Clarke, Tim Flanagan, Megan Mackinnon.
- 2 **IN ATTENDANCE**- Dick Adams, Mathew Brooks, Leon Lange, Lorraine Wyatt.
- 3 **APOLOGIES** - Doug Bester (work commitments), Dennis Pettyfor

4 **DECLARATION OF ANY PECUNIARY INTEREST BY A MEMBER OF A SPECIAL COMMITTEE OF COUNCIL**

In accordance with the provisions of the *Local Government Act 1993*, a member of a Special Committee must not participate in any discussion or vote on any matter in respect to which the member:

- a) has an interest; or
- b) is aware or ought to be aware that a close associate has an interest.

A member has an interest in a matter if the matter was decided in a particular manner, receive, or have an expectation of receiving or likely to receive a pecuniary benefit or pecuniary detriment.

5 **CONFIRMATION OF MINUTES:**

Minutes of the meeting of February 02, 2022 confirmed as a true and correct record of proceedings.

MOVED: Simon Bower

SECONDED: Joanne Clarke

CARRIED

6 **BUSINESS ARISING FROM THE MINUTES**

- 6.1 Longford Expansion – Leon Lange addressed the meeting, outlining the plans for the roundabout at the northern end of Longford. These ideas were first developed in 2017. The initial concept suggest memorial to horse racing and car racing. He would appreciate any ideas we have, or what committee embers may have heard, observed; seen in an old photo or whatever.

- 6.2 Facebook – mentioned, nothing substantive noted

7 **NEW BUSINESS**

- 7.1 Lorraine Wyatt introduction – NMC Liaison Officer for LLDC.

7.2 Lange Designs – Signage for Longford Roundabout presented by Mr Lange, essentially referencing the town's long link to horse racing, and 15-year period of fame with motor-racing. Not all present felt these accurately represented how / where the town now is.

7.3 Development Heritage Streetscape Longford raised by N. Tubb. Individual members can make representations to NMC, but the LLDC cannot.

8 REPORTS FROM SUB COMMITTEES

8.1 Railway Committee- Dick Adams reported they are having a meeting tomorrow; calendar sales have been good.

8.2 Longford Legends – Next trance will be launched on Monday March 14, 2022 at 2.00 pm, on site. I hope you can attend.

8.3 Town Hall Lease for Longford Town Hall Arts Committee – NMC has agreed to this. Cr Brooks said the usage has been quite good

9 PENDING BUSINESS ITEMS

- Wellington Street Crossing (Traffic Refugees)- Nothing was raised at the most recent NMC meeting
- Memorial Hall – Village Green Development.- LLDC asked NMC that we would be allowed to look at any final plans. NMC agreed to this
- Wellington & Marlborough Streets Intersection (Sticky Beaks) – Cr Brooks said there is nothing new to add to this. Waiting on State government.

9 OTHER BUSINESS

Vulnerable people register- Megan Mackinnon raised this topic, and had circulated information from this from the Launceston Council

Motion

‘That NMC ask the State government to establish a vulnerable people’s register’

Moved Megan Mackinnon

Seconded Jo Clarke

Carried

Two vacancies on the LLDC- Lorraine said this issue is on the NMCs website and will be in this week’s Northern Midlands Courier.

Danger to cyclists & pedestrians on South Esk River vehicular bridges

Motion

‘LLDC requests NMC seek funding in next election for a joint pathway over the South Esk river. This means cyclists will not have to use the current road bridge which has no dedicated bike line, and is inherently dangerous. Pedestrians would also be able to access any such bridge.’

Moved Tim Flanagan

Seconded Megan Mackinnon.

Carried

10. Next meeting Wednesday March 06, 2022 at 5.30 pm.

11. Closure- at 6.38 pm

WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

Originated Date: 18 February 2019 (min. ref. 036/19)

Amended Date/s: 21 March 2022 (min. ref.)

Applicable Legislation:

- Objective**
- 1) To acknowledge the cultural importance of Aboriginal people and ~~importance~~ their connection to Northern Midlands heritage and identity.
 - 2) To provide direction and support to the Mayor, Deputy Mayor, Councillors and officers of the Northern Midlands Council for Welcome to Country and Acknowledgment of Country protocols.

Administration: Governance

Review Cycle/Date: Next review 2023-2026

DEFINITIONS

Welcome to Country

A Welcome to Country is given by Aboriginal people, welcoming visitors to their Land. ~~Only Tasmanian Aboriginal people can give a Welcome to Country in Tasmania. It is highly disrespectful for anyone else to do so.~~

Acknowledgement of Country

An Acknowledgement of Country is respect and recognition of Tasmanian Aboriginal peoples' survival and continual connection with the land spanning more than 64,000 years. ~~An Acknowledgement of Country pays respect to the Aboriginal community, both past and present.~~

APPLICATION

A Welcome to Country or Acknowledgement of Country is to be given in accordance with guidelines issued by the Office of Aboriginal Affairs for all Council public events, available via this link

http://www.dpac.tas.gov.au/divisions/csr/oa3/further_information/acknowledgements_and_welcome_to_country

Welcome to Country

Only Tasmanian Aboriginal people can give a Welcome to Country in Tasmania. It is highly disrespectful for anyone else to do so.

Acknowledgement of Country

An Acknowledgement of Country pays respect to Aboriginal people present.

An Acknowledgment of Country can be given at an official opening, meeting, concert, school assembly, or other event. Any person can give an Acknowledgement of Country.

In the absence of a Welcome to Country, an Acknowledgment of Country may be given; and it should be the first item on the agenda. Speakers also often acknowledge Country as they speak for the first time (even though a Welcome to Country or Acknowledgement of Country may have already been given).

An acknowledgement of Country is to be given in accordance with the guidelines and examples provided on the Tasmanian Government, Department of Communities Tasmania (or this departments successor) website.

Resource: Department of Communities Tasmania – Acknowledgement and Welcome to Country

Motion:

This National General Assembly calls on the Australian Government to consider the provision of an annual budget allocation to Local Government to contribute to modelling and mitigation works to reduce the risk of flood or other natural disasters.

National Objective: (200 words)

Local government areas around the country are experiencing an increase in natural disasters, which, combined with other issues, such as the COVID-19 pandemic, can significantly impact a community's ability to respond to a natural disaster.

Local Government can be proactive by undertaking modelling and implementing mitigating factors to lessen the impact when natural disasters occur. To do this, Council's need to identify their areas of risk, and what can be done to reduce these risks.

The increase in natural disasters is a national issue, experienced across the entire country. To undertake modelling and implement mitigating factors is a huge task, and one that small Council's may not viably be able to meet.

The National General Assembly is urged to lobby the Federal Government to commit national funding to enable Council's to undertake the relevant studies and implement mitigation measures to protect communities.

Summary of Key Arguments: (500 words)

JLT Public Sector, a division of JLT Risk Solutions Pty Ltd insure the majority of local councils across Australia.

"JLT Public Sector has developed a vulnerability methodology and program that can be applied to every Council on a national basis. The purpose of the program is to collect local government data and information to build a vulnerability profile that will inform and support the Australian Government National Capability.

It is designed to be multi-faceted and will:

- Collect specific, local government vulnerability profile data from every Council via a purpose built tool
- Build a platform of nationally consistent data that has integrity and reliability
- Benchmark Councils (regional, State, nationally) via the calculation of an individual Council Resilience Rating
- Provide information that enables all governments to measure and monitor risk reduction investment, post disaster funding, resilience, underpins informed decisions cross all governments
- Deliver a calculated Resilience Rating for every local government nationally that can inform the Australian Disaster Resilience Index, bringing the Index to life
- Deliver to every Council a consistent and comprehensive report describing its individual resilience profile, rating and recommendations for integration into the Council's strategic plans. All future investment and funding allocated to risk reduction initiatives/projects will be managed and monitored via Council's budget and audit processes."

Extract from National Local Government Vulnerability Program Report – Northern Midlands Council

The Northern Midlands Council has participated in the risk profiling through the National Local Government Vulnerability program. The highest priority identified for the Northern Midlands Council is to ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation.

The National Local Government Vulnerability program was developed to assist the Australian Government by providing national, consistent and comparable data. Now this program has been developed, the data is available, and areas of need can be identified. The National General Assembly is urged to lobby the Australian Government to contribute funding to implement risk reduction measures as identified through participation in the National Local Government Vulnerability program, with the focus being on identifying the areas of increased risk and implementing factors to mitigate those risks.

Motion:

This National General Assembly calls on the Australian Government to investigate a nationwide database of benchmarking projects for local government, where information can be stored and shared among local government organisations.

National Objective: (200 words)

All local Council's provide the same, or similar services, regardless of their location in the country. All local Council's face the same or similar challenges. An opportunity exists for the development of a national database where all participating Councils have access and can share information relevant to others.

The premise behind the database is to encourage the sharing of mutually beneficial information across local government areas around the nation, thus ultimately reducing the cost of duplication and encouraging collaboration between Councils to achieve economies of scale.

Summary of Key Arguments: (500 words)

Relevant and reliable performance information is essential to improve the efficiency and effectiveness of Council services and decision making.

Local government's deliver a wide range of services to the community, such as recreational and cultural facilities, waste management, family and community services and local infrastructure.

Council's need relevant and reliable information about their service performance, allowing Council's to compare their performance against similar organisations and identify areas of improvement. It also encourages the sector to share ideas and resources to improve service delivery.

An online nationwide local government information benchmarking database service would allow registered users to access, compare and analyse data and present their findings online and achieve continuous improvement.

In 2015 the Tasmanian State Government requested local government within Tasmania to look at opportunities for voluntary amalgamation and / or other resource sharing / shared service opportunities.

The eight north eastern Councils in Tasmania collectively undertook a benchmarking process whereby opportunities for a shared services approach in the region was analysed. One of the areas identified where savings could be realised was the joint procurement of legal services by the member Councils. Under this model one legal firm has been appointed and each Council has access to a shared database of legal advice provided to all of the participating Councils.

All Tasmanian Councils are governed by the same legislation and are faced with the same legal questions from time to time. Therefore, having access to the shared legal database means that staff can access advice which may have previously been provided to another Council, without the cost of seeking the legal advice again.

This suggestion is for a similar model but on a larger scale, and applicable to opportunities such flood modelling or recycling initiatives.



A new Aboriginal Cultural Heritage Protection Act

Consultation Paper on High-level Policy Directions



Department of Natural Resources and Environment Tasmania



Department of Natural Resources and Environment Tasmania

GPO Box 44 Hobart TASMANIA 7001

www.nre.tas.gov.au

March 2022

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Cover photos (clockwise from top):

Cox Bight, Southwest National Park, Photo Jillian Mundy

Shell Midden, Southwest National Park

Tasmanian Aboriginal cultural site, Southwest National Park

Letter from the Minister for Aboriginal Affairs

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

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

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

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

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

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

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

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

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



Roger Jaensch MP
Minister for Aboriginal Affairs

Contents

Providing feedback on this Consultation Paper	5
Next steps	5
Introduction	6
Proposed elements of new Tasmanian legislation	8
1: A new Act with explicit purposes and objectives:	8
2: Better definitions:	10
3: Ownership:	13
4: The representation of Aboriginal people and interests:	15
5: Who makes decisions on Aboriginal cultural heritage:	17
6: Alignment with the State's planning and development system:	19
7: Modern management mechanisms:	22
8: Compliance and enforcement:	24

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

Providing feedback on this Consultation Paper

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

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

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

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

Important information to note:

- In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.
- No personal information other than an individual's name will be published. Further information on confidentiality and the *Right to Information Act 2009* can also be found [here](#).
- If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission clearly identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.
- Copyright in submissions remains with the author(s), not with the Tasmanian Government.
- Defamatory or offensive material will not be published.

Next steps

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

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed elements of new Tasmanian legislation

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

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

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

1: A new Act with explicit purposes and objectives:

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

What is proposed:

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

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

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

Context:

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

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

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

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

The objects and principles of this Act are as follows:

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

The objects of this Act are –

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

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

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

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

2: Better definitions:

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

What is proposed:

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

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

Context:

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

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

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

The key elements of the 2013 Bill were:

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

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

5. Meaning of *Aboriginal human remains*

In this Act –

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

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

6. Meaning of *Aboriginal object*

(1) In this Act –

Aboriginal object means –

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

7. Meaning of *Aboriginal site*

In this Act –

Aboriginal site means –

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

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

Aboriginal tradition means –

- (a) the body of traditions, knowledge, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people; and
- (b) any such tradition, knowledge, observance, custom or belief relating to particular persons, areas, objects or relationships;

significance, of a relic, means significance in accordance with –

- (a) the archaeological or scientific history of Aboriginal people; or
- (b) the anthropological history of Aboriginal people; or
- (c) the contemporary history of Aboriginal people; or
- (d) Aboriginal tradition.

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

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

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

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

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

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

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

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

3: Ownership:

What is proposed:

It is proposed that the new legislation would:

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

Context:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4: The representation of Aboriginal people and interests:

What is proposed:

It is proposed that the new legislation would:

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

Context:

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

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

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

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

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

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

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

1. Appointment of the strengthened AHC:

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

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

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

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

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

2. Role of the strengthened AHC:

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

3. Capability and resourcing:

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

5: Who makes decisions on Aboriginal cultural heritage:

What is proposed:

It is proposed that the new legislation would:

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

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

Context:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What is proposed:

It is proposed that the new legislation would:

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

Context:

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

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

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

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

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

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

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

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

Non-statutory processes and mechanisms:

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

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

Statutory provisions in the new Aboriginal cultural heritage legislation:

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

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

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

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

Certainty of statutory process:

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

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

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

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

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

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

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

Other opportunities for integration with planning and other approval systems:

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

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

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

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

7: Modern management mechanisms:

What is proposed:

It is proposed that the new legislation would:

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

Context:

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

Management tools:

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

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

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

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

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

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

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

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

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

Appeal processes:

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

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

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

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

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

8: Compliance and enforcement:

What is proposed:

It is proposed that new legislation would:

- retain the current level of penalties for disturbing or damaging Aboriginal cultural heritage, as well as a range of proportionate penalties for administrative offences that do not directly harm heritage;
- include 'stop work' and 'vacate site' provisions with clearly defined criteria for when and how they may be used, and how long they may remain in force; and
- include provisions enabling the issue of infringement notices and remediation orders with clearly defined criteria for when and how they may be used, and what types of conditions they may contain.

Context:

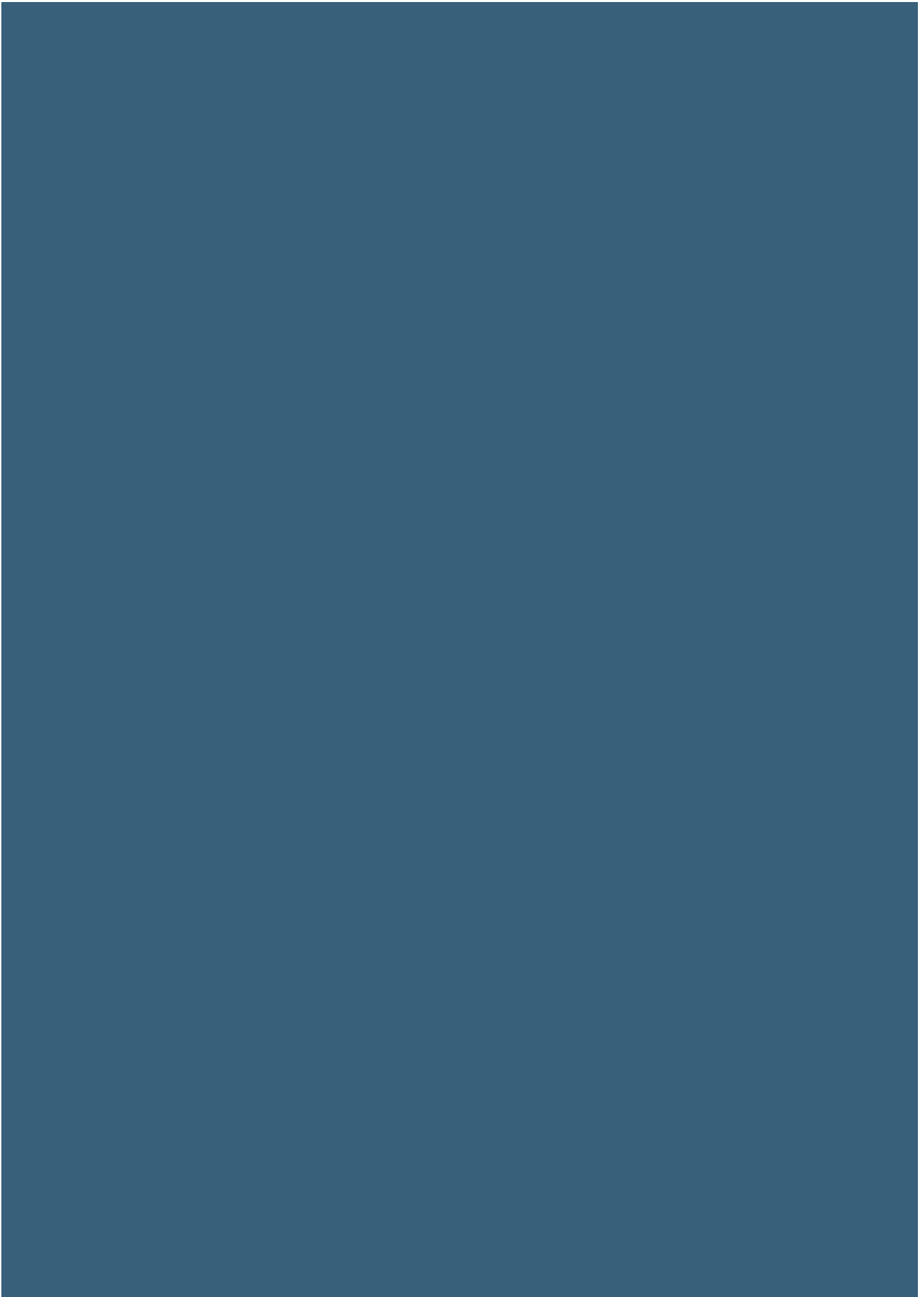
In terms of compliance and enforcement, the current Act does now provide for maximum penalties that most regard as adequate – they are above or close to the level of penalties in other jurisdictions, and the maximum penalties are equal to those for harming historic heritage.

In addition, like modern legislation elsewhere, there would be provision for protective 'stop orders' to prevent avoidable harm to heritage, and subject to stringent penalties. There would be safeguards against their unreasonable use, including strict time limits and appeal rights for proponents.

Other matters to be addressed, outlined in section 3.9 of the Review Report, include provision for remediation orders, infringement notices, and for a more inclusive enforcement system with potential for Aboriginal rangers – e.g., through the Working on Country Aboriginal trainee ranger program in the Parks and Wildlife Service.

Approved Aboriginal Cultural Heritage Management Plans would become statutory instruments and provisions in these plans would become legal requirements under the new Act.

Note that the new Act would include many other more technical matters, such as: transitional provisions (e.g., covering the continuation of authorities issued and processes begun under the current Act); the powers of authorised officers, etc; how notice is to be given; and what (if any) matters are to be dealt with in Regulations. These details will all be available for examination and comment when the draft exposure Bill is issued.





Northern Midlands Council Account Management Report				Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month														
				\$	\$		Actual Expenditure Scheduled Work														
2021/22 for year to 28 February 2022							Spent %														
Capital Expenditure - Governance							1	B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Fleet, Plant & Equipment, Land and Buildings																					
780006	Gov - Office Equipment Purchases		6,000		6,592																
780033	Property - Road Reserve - 1 Punt Road		-		1,800																
780034	Property - Road Reserve - 6 Waterloo Street (White Donation)		-		141																
				6,000	8,533	142%															
Capital Expenditure - Corporate Services																					
Equipment & Buildings - Corporate Services																					
700020	Fleet - F20 Child Care Van		20,000	-	21,023	-105%															
715300	Corp - Computer System Upgrade		180,570		105,206	58%															
715310	Corp - Purchase Office Equipment		-		390	0%															
791105	Cry - Child Care Centre Internal Painting		-		-	0%															
791110	Pth - Child Care Centre Fore Street Preliminaries		179,657		173,922	97%															
791111	Pth - Child Care Centre Fore Street Construction Contract		3,371,333		307	0%															
Total Equipment & Buildings - Corporate Services				3,751,560	258,802	7%															
				3,751,560	258,802	7%															
Capital Expenditure - Works Department																					
Fleet, Plant & Depot																					
700022	Fleet - F22 Mitsubishi Triton 4x2		-		31,191	0%															
700023	Fleet - F23 Utility Litter & Garbage Collection		22,000		-	0%															
700025	Fleet - F25 Utility Vehicle		20,000		-	0%															
700042	Fleet - Truck 6 Yard		125,000		-	0%															
700067	Fleet - F67 Tractor		58,000		-	0%															
700165	Fleet - F165 Paint Sprayer		-		1,176	0%															
700166	Fleet - F166 Tilt Trailer		10,000		-	0%															
700167	Fleet - F165 Vermeer Tree Chipper		67,000		-	0%															
700177	Fleet - F177 Utility		34,000		-	0%															
700180	Fleet - Depot Pool Utility Vehicle		20,000		-	0%															
700184	Fleet - F184 Utility		20,000		19,816	99%															
700195	Fleet: Fleet 195 Ride On Mower		50,000		-	0%															
700620	Fleet - Radio System upgrade Analogue to Digital		62,000		-	0%															
715320	Works - Purchase Small Plant		40,000		11,050	28%															
720200	Works - Longford Depot Improvements		50,000		9,019	18%															
720201	Works - Ctown Depot Improvements		50,000		616	1%															
Total Fleet, Plant & Depot				628,000	72,868	12%															
All Areas - Street Tree program																					
707814	BUDGET ONLY NO ORDERS All Areas - Street Tree Program		78,000		-																
707814.11	Ctown - Blackburn Park South Reserve Tree Planting		-		6,945																
707814.5	Pth - Main Street Flowering Pots / Planter Boxes		2,000		4,520																
707814.8	Pth - Main Street Trees		-		6,810																
Total All Areas - Street Tree program				80,000	18,275	23%															
All Areas - Town Entrance Landscape/Beautification																					
707855	BUDGET ONLY NO ORDERS All Areas - Town Entrance Landscaping/Beautification		30,000		-																
707899	BUDGET ONLY NO ORDERS All Areas - Signage Projects		15,000		-																
707899.3	Ctown - Town Entrance Signs North and South		-		13,266																
707899.4	Midlands Highway - Silhouettes		10,000		-																
Total All Areas - Town Entrance Landscape/Beautification				55,000	13,266	24%															
Ross - Town Square Development																					
707972	Ross - Town Square Development Design and Preliminaries		558,000		33,973																
707972.1	Ross - Town Square - Footpaths (Internal)		-		18,804																
707972.11	Ross - Town Square - Rotunda		-		66,450																
707972.12	Ross - Town Square - Pavillion		-		143,471																
707972.13	Ross - Town Square - Playground		-		67,400																
707972.14	Ross - Town Square - Kerbs		-		9,948																
707972.15	Ross - Town Square - Irrigation		-		42,145																
707972.16	Ross - Town Square - furniture & Fixtures		-		38,434																

Northern Midlands Council Account Management Report				Scheduled and Actual Works by Month												
		Annual Budget	YTD Actual	Annual Budget	Actual Expenditure		Scheduled Work									
		\$	\$				B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
2021/22 for year to 28 February 2022		Spent %														
707972.17	Ross - Town Square - Landscaping	-	35,579													
707972.18	Ross - Town Square - Entry Arbour	-	28,927													
707972.19	Ross - Town Square - Plumbing	-	31,422													
707972.21	Ross - Town Square - Topdressing and Seeding	-	14,412													
707972.9	Ross - Town Square Development Other	-	3,147													
707972.91	Ross - Town Square Development Electrical	-	63,858													
707972.92	Ross - Town Square Development Sewer	-	-													
707972.93	Ross - Town Square Development Cut and Fill	-	-													
707972.94	Ross - Town Square Development Root Barrier	-	-													
707972.95	Ross - Town Square Development Front Fence	-	-													
707972.96	Ross - Town Square Development Footpath (External)	-	-													
707972.97	Ross - Town Square Development Side and Rear Fence	-	-													
707972.98	Ross - Town Square Development Tree Planting	-	-													
Total - Ross Town Square Development		558,000	597,970	107%												
All Areas - Street Furniture																
715255	BUDGET ONLY NO ORDERS All Areas - Street Furniture	50,000	6,563													
715255.8	Lfd - Mill Dam Picnic Settings	-	10,183													
		50,000	16,746	33%												
Cressy Recreation Ground Redevelopment																
707913	Cry - Rec Ground Sewer Dump Point, Main Ext, Carpark Preliminary	-	171													
707923	Cry - Recreation Ground Building Redevelopment	1,013,866	1,027,847	101%												
708027	Cry - Recreation Ground Southern Boundary fence	14,700	484	3%												
		1,028,566	1,028,502	100%												
Other Recreation Projects																
707801	All Areas - Private Power Pole Replacement	25,000	-	0%												
707876	Pth - Recreation Ground Topdressing	20,000	10,851	54%												
707889	BUDGET ONLY NO ORDERS All Areas - Playground Shelters	20,000	-	0%												
707918	Evan - Morven Park RV Sewer Dump Point Relocation	30,000	918	3%												
708025	Avoca - Boucher Park Side Fence Replacement	12,400	12,372	100%												
708030	Ctown - Recreation Ground Main Entry Beautification	6,850	8,279	121%												
708035	Ctown - Recreation Ground Irrigation Tank and Sprinklers	185,815	185,815	100%												
708037	Ross - Recreation Ground Topdress	11,000	10,851	99%												
708038	Evan - Recreation Ground Cricket Net Relocation	80,353	4,771	6%												
708040	Pth - Recreation Ground Goal Post Netting Upgrades	15,000	2,088	14%												
708041	Pth - Train Park Sculpture Maintenance	8,000	-	0%												
708042	Pth - Train Park Play Equipment Upgrades	100,000	-	0%												
708043	Pth - Dog Park Equipment Mulgrave Street	20,000	21,977	110%												
708044	Ross - Church St Nature Strip Irrigation Upgrades	10,000	-	0%												
708045	Lfd - Road Safety Park Victoria Square	100,000	-	0%												
708046	Rec - All Grounds Cricket Wicket Cover Rollers and Applicator	24,200	18,270	75%												
708047	Rec - Portable Soccer Goals	3,000	-	0%												
708048	Morven Park amenities Upgrade Sealing around Clubrooms including Bollards	35,507	40,964	115%												
708049	Lfd - Railway Bridge Pillar Restoration Project	50,000	-	0%												
708050	Lfd - Able Taman Avenue Entry Gazebo	15,000	19,978	133%												
708052	Rec - Ross Pool Fibre Glass Lining	15,000	15,309	102%												
708053	Pth - Recreation Ground Demolition of two old storage sheds	-	1,118	0%												
708054	Cry - Bartholomew Park Signage Installation	-	3,172	0%												
708055	Tooms Lake - Facilities Improvements	20,000	115	1%												
715254	BUDGET ONLY NO ORDERS All Areas - Play Ground Equipment	50,000	-	0%												
715255.4	Pth - William St Reserve BBQ	55,000	-	0%												
715255.6	Pth - Train Park BBQ	85,000	-	0%												
Total - Other Recreation Projects		997,125	356,848	36%												
Total Recreation		2,768,691	2,031,607	73%												
Buildings																
Ctown - War Memorial Oval Amenities Upgrade																
707805.3	Ctown - War Memorial Oval Amenities Upgrade - High St Access	150,000	752	1%												
707805.51	Ctown - Tennis Courts, Irrigation, Landscaping and Shade Shelters	46,000	46,904	102%												
707805.55	Ctown - Tennis Hit Up Wall	36,793	36,656	100%												
707805.65	Ctown - War Memorial Oval Amenities Old Toilet Block Replacement	85,000	75,258	89%												

Northern Midlands Council Account Management Report		Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month													
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2021/22 for year to 28 February 2022						B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
707805.66	Ctown - War Memorial Oval Amenities Old Toilet Block Replacement (Demolition of Old Block)	-	5,156	0%														
707805.94	Ctown - War Memorial Oval Amenities Storage Shed Upgrade and Minor Works	19,200	22,228	116%														
707805.97	Ctown - War Memorial Oval Main Entry Beautification	34,000	-	0%														
707805.98	Ctown - War Memorial Oval Facility Equipment	-	310	0%														
707805.99	Ctown - War Memorial Oval Kerb Extension entry to new toilet, Cenotaph to existing Carpark	-	6,125	0%														
Total Ctown - War Memorial Oval Amenities Upgrade		370,993	193,389	52%														
Lfd - Longford Community Sports Centre Redevelopment																		
707752	Lfd - Sports Centre - Gym Stage 2 - Carpark Kerb	-	397															
707752.9	Lfd - Sports Centre - Gym Stage 2 - Carpark Other	-	427															
707752.96	Lfd - Sports Centre Gym - Footpath and ramp to former gym at rear	30,000	3,727															
707990.4	Lfd - Sports Centre - Gym Stage 4 - Level 1 User Ready Including Lift	270,000	176,863															
707990.62	Lfd - Sports Centre - Gym Stage 3 - Joinery - Front Entry, Meeting Room, Accessible Toilet and Roof Area	-	190															
707990.7	Lfd - Sports Centre - Squash Court Refurbishment	50,000	49,567															
Total Lfd - Longford Community Sports Centre Redevelopment		350,000	231,171	66%														
Other Buildings																		
707747	Lfd - Town Hall Improvements Exhibition Lighting Fitout	18,000	8,518	47%														
707766	Lake Leake - Amenities Upgrade	145,256	268	0%														
707775	Avoca - Hall Toilet Upgrade	50,000	-	0%														
707802	Avoca - Town Hall Side Entrance Ramp Upgrade	15,000	325	2%														
707806	Epping - Town Hall Improvements - Roof Replacement	25,000	4,602	18%														
707867	Avoca - Public Toilets Upgrade of Septic Tank, Gates and Building	74,000	32,195	44%														
707868	Cry - Town Hall Improvements	40,000	4,095	10%														
707869	Cry - Pool Improvements State and Federal Funding	800,000	695,098	87%														
707871	Evan - War Memorial Hall Improvements Roof Replacement	175,000	12,087	7%														
707872	Evan - Falls Park Pavillion Improvements Painting	31,000	-	0%														
707873	Ross - Town Hall Improvements Painting and Carpet	30,000	-	0%														
707943	Bishopscourne - Community Centre Skylight Replacement	15,000	-	0%														
707920	All Areas - Public Buildings Asbestos Removal	-	4,711	0%														
707947	Ctown - Pool Improvement Outside Shower and Additional Toilet	20,000	-	0%														
707948	Ctown - Renovations/Upgrades William St Units	50,000	-	0%														
707955	Evan - Community & Visitor Centre Roof Works	20,000	-	0%														
708026	Cry - Memorial Clock Upgrade	6,000	3,942	66%														
708039	Pth - Recreation Ground Amenities Painting and Crack Repairs	30,000	-	0%														
708051	Ross - Drill Hall Roof Replacement	40,000	-	0%														
715345	Public Building and Amenities Projects - Administration	86,000	75,524	88%														
715350	All Areas - Public Building Improvements not yet allocated	100,000	-	0%														
715366	Avoca - Public Toilet Septic Tank Upgrade and Building Improvements	2,455	2,785	113%														
720132	Lfd - Cemetery Toilet Upgrade	5,000	-	0%														
720133	Pth - Talisker Street Car Park Toilet Replacement	100,000	44,599	45%														
720134	Pth - Seacombe St Reserve Toilet	60,000	68,874	115%														
720135	Evan - Pioneer Park Toilets Upgrade Male and Disabled	20,000	-	0%														
720136	Lfd - Council Chambers Exterior Timber Painting	10,000	14,112	141%														
720137	Evan - Medical Centre Extension	300,000	13,223	4%														
720143	Pth - Recreation Ground Electronic Scoreboard	90,000	57,181	64%														
720144	Pth - Recreation Ground carpark, fence & lighting	167,100	26,542	16%														
Total Other Buildings		2,524,811	1,068,681	42%														
Total Buildings		3,245,804	1,493,241	46%														
Longford Main Street Project																		
707987.1	Lfd -Main Street Project - Preliminaries	747,723	81,187															
707987.2	Lfd - Main Street Project - Victoria Square Memorial Hall Upgrade Preliminaries	1,518,272	22,498															
707987.3	Lfd - Main Street Project - Road infrastructure Upgrades Preliminaries	1,396,413	4,765															
707987.4	Lfd - Main Street Project - BBQ Upgrades Preliminaries	696	696															
707987.5	Lfd - Main Street Project - Victoria Square Additional Toilet Preliminaries	334,415	1,179															
707987.6	Lfd - Main Street Project - Fred Davies Memorial	2,481	31,797															
Total Longford Main Street Project		4,000,000	142,122	4%														
Waste Management																		

Northern Midlands Council Account Management Report				Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month												
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2021/22 for year to 28 February 2022				Spent %			B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
712951	Recycling - Bin Purchase (New Services and Replacements)		12,500		8,266	66%													
712952	Waste - Bin Purchase (New Services and Replacements)		12,500		11,084	89%													
728767	Waste - Longford WTS Recycling Shed		200,000		190,913	95%													
728770	All Areas - Recycling Initiatives		10,000		237	2%													
	Total Waste Management		235,000		210,500	90%													
Roads																			
Clown - Barton Rd Reconstruction Ch 6.120 to 8.090																			
751586	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090		535,000		175														
751586.1	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Excavation		-		35,902														
751586.2	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Subbase		-		46,257														
751586.3	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Base		-		3,670														
751586.4	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Prep for Seal		-		-														
751586.5	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Seal		-		-														
751586.7	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Naturestrips		-		-														
751586.8	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Driveways		-		2,098														
751586.9	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Other		-		38,403														
751586.91	Clown - Barton Rd Reconstruction Ch 6.120 to 8.090 Stormwater		-		27,880														
	Total Clown - Barton Rd Reconstruction Ch 6.120 to 8.090		535,000		154,385	29%													
Cry - Gatenby St Macquarie to Spencers Lane																			
750460	Cry - Gatenby St No 1 to No 9 K&G and Verge Seal		32,000		35,100														
	Total - Cry - Gatenby St Macquarie to Spencers Lane		32,000		35,100	110%													
Cry - Green Rises Rd Reconstruction Chn 8.3 to 10.59 Other																			
750524.9	Cry - Green Rises Rd Reconstruction Chn 8.3 to 10.59 Other		-		503														
750524.92	Cry - Green Rises Rd Reconstruction Chn 8.3 to 10.59 Guard Rail		62,121		62,121														
	Total - Cry - Green Rises Rd Reconstruction Chn 8.3 to 10.59 Other		62,121		62,624	101%													
Cry - Murrett St West Side to Saundridge Construct K&G and Verge Kerb																			
750905	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Kerb		27,000		2,394														
750905.1	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Excavation		-		-														
750905.2	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Subbase		-		431														
750905.3	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Base		-		-														
750905.4	Cry - Murrett St West Side to Saundridge Construct K&G and Verge prep for Seal		-		-														
750905.5	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Seal		-		-														
750905.7	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Nature Strip		-		-														
750905.8	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Driveways		-		-														
750905.9	Cry - Murrett St West Side to Saundridge Construct K&G and Verge Other		-		-														
	Total Cry - Murrett St West Side to Saundridge Construct K&G and Verge Kerb		27,000		2,825	10%													
Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 (Sections 500/1/2)																			
750500	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530		411,400		12,868														
750500.1	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Excavation		-		16,740														
750500.2	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Subbase		-		80,308														
750500.3	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Base		-		76,529														
750500.4	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Prep for Seal		-		10,384														
750500.5	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Seal		-		77,677														
750500.7	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Naturestrips		-		-														
750500.8	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Driveways		-		439														
750500.9	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Other		-		31,222														
750500.91	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Stormwater		-		66,930														
750500.92	Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530 Culverts		-		3,718														
	Total Evan - Glen Esk Rd Reconstruction Ch 5.660 to 7.530		411,400		376,815	92%													
Lfd - Hobhouse St Marlborough to Pakenhan K&G and Verge Nth Side Kerb and Gutter																			
750577.8	Lfd - Hobhouse St Marlborough to Pakenhan K&G and Verge Nth Side Driveways		-		57														
	Total - Lfd - High Street, Burghley to No. 43 Reconstruct Verge		-		57	0%													
Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side																			
750984	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Kerb		45,000		1,595														
750984.1	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Excavation		-		1,779														
750984.2	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Subbase		-		2,385														
750984.3	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Base		-		-														
750984.4	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side prep for Seal		-		-														
750984.5	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Seal		-		-														
750984.7	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Nature Strip		-		-														
750984.8	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Driveways		-		-														

Northern Midlands Council Account Management Report			Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month												
			\$	\$		Actual Expenditure		Scheduled Work										
2021/22 for year to 28 February 2022						Spent %												
						B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
750984.9	Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side Other		-	-														
Total Lfd - Park Street Goderich to Hay Reconstruct Verge Cemetery Side			45,000	5,759	13%													
Perth Bypass - Associated Works																		
751425	Pth - Youl Road K&G Seal Verge and Bike Track from Phillip		300,000	-	0%													
751425.6	Pth - Youl Road Edward to Phillip Footpath		100,000	-	0%													
751433	Lfd - Marlborough/Wellington St Intersection Pedestrian Protection		30,000	-	0%													
751498	Pth - Drummond St K&G and Verge Seal No 58d to Drummond Cres		75,000	4,331	6%													
751614	Lfd - Entrance Roundabout Landscaping		200,000	494	0%													
751614.6	W/Junct - Hobart Road Shared Path Way		250,000	-	0%													
752010	Perth Bypass - Planting Vegetation Corridors		-	540	0%													
752015	Perth - Bypass Associated Works		121,474	122,319	101%													
752015.1	Perth - Bypass Associated Works - Signage Perth Roundabout		45,603	45,603	100%													
752016	Perth Bypass - Vegetation Corridors Land		1,514	1,514	100%													
752017	Budget Only Perth Bypass Roundabout Landscaping		494,397	-	0%													
752017.1	Perth Bypass Roundabout Landscaping - Eskleigh		-	50,693	0%													
752017.2	Perth Bypass Roundabout Landscaping - Seccombe Street		-	132,437	0%													
752017.3	Perth Bypass Roundabout Landscaping - MacKinnon Side of Highway		-	10,981	0%													
752025	Pth - Main Street Program		691,000	28,330	4%													
Perth Bypass - Associated Works			2,308,988	397,242	17%													
Pth Cromwell St Ch 0.073 to North Reconstruction																		
750329	Pth Cromwell St Ch 0.073 to North Reconstruction		5,587	5,587														
Total - Pth Cromwell St Ch 0.073 to North Reconstruction			5,587	5,587	100%													
Pth - Elizabeth St William to Clarence K&G & Seal Verge																		
750399.8	Pth - Elizabeth St William to Clarence Driveways		4,364	5,364														
Total - Pth - Elizabeth St William to Clarence			4,364	5,364	123%													
Pth - George St Clarence to End K&G and Verge																		
750474	Pth - George St Clarence to End K&G and Verge		50,000	51,606														
750474.1	Pth - George St Clarence to End K&G and Verge Excavation		-	1,155														
750474.2	Pth - George St Clarence to End K&G and Verge Subbase		-	-														
750474.3	Pth - George St Clarence to End K&G and Verge Base		-	1,933														
750474.4	Pth - George St Clarence to End K&G and Verge Prep for Seal		-	875														
750474.5	Pth - George St Clarence to End K&G and Verge Seal		-	-														
750474.7	Pth - George St Clarence to End K&G and Verge Naturestrips		-	-														
750474.8	Pth - George St Clarence to End K&G and Verge Driveways		-	-														
750474.9	Pth - George St Clarence to End K&G and Verge Other		-	-														
750474.91	Pth - George St Clarence to End K&G and Verge Stormwater		-	1,072														
Total Pth - George St Clarence to End K&G and Verge			50,000	56,641	113%													
Resealing Program																		
715005	Roads - Resealing All Areas		782,800	29,827														
715005.0136	Lfd - Reseal Bishopsbourne Rd Ch 11.400 to Ch 12.700		-	27,138														
715005.0146	Cry - Reseal Blackwood Creek Rd Ch 6.200 to 7.870		-	-														
715005.0147	Cry - Reseal Blackwood Creek Rd Ch 7.870 to 9.460		-	-														
715005.0148	Cry - Reseal Blackwood Creek Rd 9.460 to 11.580 (Mill and Fills)		-	19,301														
715005.015	Cry - Reseal Blackwood Creek Rd 12.670 to 14.050 (Liffey Rd Intersection)		-	15,849														
715005.0403	Cry - Reseal Elphinstone Rd, Green Rises Rd to Ch 1.935		-	12,209														
715005.0518	Cry - Reseal Green Rises Rd Ch 0.000 to 1.210		-	-														
715005.0519	Lfd - Green Rises Rd, Bishopsbourne to Ch 2.415		-	12,209														
715005.0522	Cry - Reseal Green Rises Rd 5.260 to 05.760		-	-														
715005.0523	Cry - Reseal Green Rises Rd 6.730 to 8.300		-	-														
715005.0598	Cry - Reseal Hop Valley Rd Ch 0.0 to 0.710		-	-														
715005.0707	Cry - Reseal Liffey Rd Section 14.100 to 14.140 (Bracknell Rd Intersection)		-	19,010														
715005.0748	Cry - Reseal Macquarie River Rd 3.470 to 4.375 (Delmont Rd Intersection)		-	18,053														
715005.0903	Cry - Reseal Munden Lane 0.000 to 1.965		-	726														
715005.0993	Lfd - Reseal Pateena Rd 1.680 to 2.350		-	815														
715005.1096	Avoca - Reseal Royal George Rd, Ch 20.590 to Ch 22.060		-	-														
715005.1097	Avoca - Reseal Royal George Rd, Ch 22.060 to Ch 23.740		-	-														
715005.1254	Cry - Reseal Top Rd Ch 0.0 to 0.070		-	-														
Total Resealing Program			782,800	155,136	20%													
Resheeting Program																		
715125	Southern - Resheeting		236,900	108,751														
715460	Roads Northern - Resheeting		236,900	129,278														

Northern Midlands Council Account Management Report			Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month													
			\$	\$		Actual Expenditure		Scheduled Work											
2021/22 for year to 28 February 2022							B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Total Resheeting Program			473,800	238,029	50%														
Footpath Construction Program																			
750000	BUDGET ONLY NO ORDERS All Areas - Asphalt Footpath Replacements		27,204	-	0%														
750176.6	Ctown - Bridge St Esplanade to King St Footpath		85,000	48,020	56%														
750270.6	Cry - Church St Main to Charles Footpath		67,000	-	0%														
750395.6	Pth - Edward St in front of No 39 Footpath		18,664	12,160	65%														
750395.8	Pth - Edward St in front of No 39 Driveway		-	7,540	0%														
750458.6	Pth - Footpath Frederick St, Scone to Clarence North Side		46,000	-	0%														
750574.9	Pth - George St Clarence to End Nature Strips		-	139	0%														
750574.9	Pth - George St Clarence to End K&G and Verge Other		-	1,509	0%														
750534.6	Lfd - Hay Street Burghley to Smith Footpath East Side		40,000	28,711	72%														
750796.6	Cry - Main St Saundridge to Church St Footpath		-	-	0%														
750827.6	Lfd - Malcombe St Catherine to Burghley North Side		40,000	-	0%														
750910.8	Evan - Murray St Off Street Parking Pioneer Park		50,000	662	1%														
750974.6	Lfd - Pakenham Street Pultney 515 to Malcombe 660		52,000	31,996	62%														
750976.6	Lfd - Pakenham Street Malcombe to Hobhouse Footpath East Side		52,000	41,388	80%														
750986.6	Ross - Park St High to Bridge St Footpath		-	-	0%														
750999.6	Lfd - Paton St Reconstruct Verge Burghley to Ch 0.110 Footpath South Side		17,817	17,817	100%														
751037.6	Lfd - Pultney Street Wellington to Marlborough Footpath North Side		68,000	-	0%														
751038.6	Lfd - Pultney Street Marlborough to Pakenham Footpath North Side		32,000	-	0%														
751040.6	Lfd - Pultney Street Catherine to Burghley Footpath North Side		36,000	-	0%														
751498.6	Pth - Drummond St No 58D to Drummond Crescent Footpath		65,000	1,375	2%														
751613.6	Pth - William St Reserve Footbridge Footpath		40,000	167	0%														
Total Footpath Construction Program			736,685	191,484	26%														
Other Road Projects																			
707899.2	Ross - Signage Project Highway		-	455	0%														
750536	Lfd - Hay Street Park to End Reconstruct Verge		70,000	-	0%														
750544	Ctown - High St Streetscape Improvements (Bridge St to King St)		925,000	125,741	14%														
750795	Cry - Main St Saundridge to South Kerb in front of No 117		11,315	4,260	38%														
750795.8	Cry - Main St Saundridge to South Driveway No 117		-	4,160	0%														
750795.91	Cry - Main St Saundridge to South Stormwater in front of No 117		-	2,895	0%														
750840	Lfd - Marlborough St Outstands Malcombe St Intersection		20,000	-	0%														
750579	Lfd - Hobhouse St Reconstruction Catherine to Burghley		121,000	-	0%														
751043	Ctown - Queen St On Street Car Parking Upgrades		244,866	278,050	114%														
Total Other Road Projects			1,392,181	415,561	30%														
Total Roads			6,866,926	2,102,608	31%														
Bridges																			
741940	Cry - Bridge 1940: Cressy Road, Pisa River		-	176	0%														
742729	Evandale - Bridge 2729: Bryants Lane		201,777	167	0%														
742981	Cry - Bridge 2981: Lake River Rd, Shoebridge Crk		45,000	-	0%														
745045	Cry - Bridge 5045: Saundridge Road, Palmers Rivulet (Brumby's Tailrace)		51,000	-	0%														
745517	Cry - Delmont Road Bridge (Guardrail Replacement)		51,000	-	0%														
749963	Pth - William Street Reserve Bridge No 9963		270,000	12,433	5%														
749997	Cry - Bridge 9997: Baptist Camp Bridge off Liffey Road		132,440	-	0%														
Total Bridges			751,217	12,776	2%														
Urban Stormwater Drainage																			
788575	BUDGET ONLY NO ORDERS Storm Water Drainage - Unallocated Projects		30,000	-	0%														
788601	Evan - Stormwater Translink 4a Gatty Street Detention Basin		252,540	25,410	10%														
788609.1	NRM - Sheepwash Creek Capital Works (10)		-	5,494	0%														
788609.2	NRM - Sheepwash Creek Capital Works (Youl)		-	1,504	0%														
788609.3	Pth - Sheepwash Creek Flow Meter Phillip St Culvert		35,222	36,722	104%														
788621	Lfd - NDRG Automate Gate Back Creek Flood Levy		144,137	116,225	81%														
788622	Pth - Stormwater Cromwell St Culvert Replacement		110,360	72,966	66%														
788623	Pth - Stormwater Phillip St Culvert Extension		28,500	12,264	43%														
788625	Ctown/Ross - Macquarie River Flood Modeling		-	10,197	0%														
788630	Pth - Stormwater Drummond St		15,000	-	0%														
788632	Evan - Stormwater Barclay St Subdivision Contribution		385,030	28,661	7%														
788633	All Areas - Stormwater Side Entry Pit Renewals Program		100,000	-	0%														
788635	Lfd - Queens Wall Laneway Stormwater Between Council and Ambulance Station		2,617	2,623	100%														
788636	Lfd - Gross Pollutant Trap Wellington St near RSL		22,439	33,663	150%														

Northern Midlands Council Account Management Report				Annual Budget	YTD Actual	Annual Budget	Scheduled and Actual Works by Month												
				\$	\$		<div>Actual Expenditure</div> <div>Scheduled Work</div>												
2021/22 for year to 28 February 2022																			
					Spent %		B/fwd	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
788637	Clown - Stormwater High St Edgar to Mason			130,000	72,850	56%													
788638	Cry - Church Street Stormwater			42,000	35,928	86%													
788639	Pth - Stormwater Oakmount Street Turning Head to No 12			30,000	31,642	105%													
788640	W/Junction - Translink extension of Detention Basin			50,000	47,098	94%													
788641	Pth - Stormwater extension Little Mulgrave St			10,000	10,190	102%													
788642	Pth - Sheepwash Creek widening for detention basin			40,000	-	0%													
788643	Avoca - St Pauls Place Stormwater			20,000	-	0%													
788644	Lfd - NDRG Penstock Valve Union Street Flood Levee			45,570	-	0%													
Total Urban Stormwater Drainage				1,493,415	540,429	36%													
Total Capital - Works Department				19,989,053	6,606,151	33%													
				-	422,931														
Total Capital Works All Departments				23,746,613	6,873,486	29%													

Northern Midlands Council Account Management Report

Income & Expenditure Summary for the Period Ended 28 February 2022 (67% of Year Completed)

Line Item Summary Totals

Line Item Summary Totals	Operating Statement												% of Budget
	Governance		Corporate Services		Regulatory & Community Serv		Development Services		Works & Infrastructure Services		Total Operating Statement		
	2021/22 Budget	2021/22 Actual	2021/22 Budget	2021/22 Actual	2021/22 Budget	2021/22 Actual	2021/22 Budget	2021/22 Actual	2021/22 Budget	2021/22 Actual	2021/22 Budget	2021/22 Actual	
1 Wages	402,488	280,612	1,145,879	673,086	222,372	158,954	396,524	275,540	1,791,965	1,183,056	3,959,228.00	2,571,248.00	64.94%
2 Material & Services Expenditure	611,145	395,901	716,183	543,053	559,949	202,994	444,920	309,783	3,779,786	2,299,251	6,111,983.00	3,750,982.00	61.37%
3 Depreciation Expenditure	68,516	45,676	91,886	61,326	20,660	13,780	18,718	12,478	6,319,378	4,212,818	6,519,158.00	4,346,078.00	66.67%
4 Government Levies & Charges	6,420	5,716	872,854	457,867	1,920	1,182	0	330	80,290	59,559	961,484.00	524,654.00	54.57%
5 Interest Expenditure	0	0	272,007	223,220	0	0	0	0	0	0	272,007.00	223,220.00	82.06%
7 Councillors Expenditure	205,180	116,356	0	0	0	0	0	0	0	0	205,180.00	116,356.00	56.71%
9 Other Expenditure	507,450	114,125	503,902	512,365	251,344	168,453	9,980	17,053	98,093	47,612	1,370,769.00	859,608.00	62.71%
11 Oncost	196,728	129,853	518,060	322,313	105,100	60,122	198,263	114,881	697,258	436,467	1,715,409.00	1,063,636.00	62.00%
12 Internal Plant Hire/Rental	21,760	8,597	26,590	10,364	29,347	9,154	21,490	3,234	1,045,974	795,024	1,145,161.00	826,373.00	72.16%
13 Internal Rental/Rates	0	0	1,790	376	0	0	0	0	6,630	4,895	8,420.00	5,271.00	62.60%
10 Other Internal Transfers Expenditure	0	0	7,484,576	4,989,376	0	403	0	0	30,550	20,550	7,515,126.00	5,010,329.00	66.67%
14 Oncosts Paid - Payroll	86,799	38,339	238,573	174,286	47,413	26,602	100,814	85,394	394,304	229,859	867,903.00	554,480.00	63.89%
15 Oncost Paid - Non Payroll	126,474	69,165	298,767	185,912	63,460	40,241	138,285	67,072	594,595	316,342	1,221,581.00	678,732.00	55.56%
16 Plant Expenditure Paid	4,000	2,651	17,180	7,997	7,630	5,011	17,780	11,304	492,060	412,730	538,650.00	439,693.00	81.63%
	2,236,960	1,206,991	12,188,247	8,161,541	1,309,195	686,896	1,346,774	897,069	15,330,883	10,018,163	32,412,059.00	20,970,660.00	64.70%
17 Rate Revenue	0	0	(11,344,356)	(11,338,358)	(24,390)	(24,184)	0	0	(903,088)	(920,862)	(12,271,834.00)	(12,283,404.00)	100.09%
18 Recurrent Grant Revenue	(58,346)	0	(1,791,710)	(1,135,402)	(353,050)	(247,135)	(5,000)	(11,178)	(2,892,117)	(1,053,851)	(5,100,223.00)	(2,447,566.00)	47.99%
19 Fees and Charges Revenue	(100)	(124)	(1,058,151)	(712,362)	(164,168)	(160,768)	(720,198)	(492,626)	(623,478)	(475,520)	(2,566,095.00)	(1,841,400.00)	71.76%
21 Interest Revenue	(279,181)	(128,010)	(200,360)	(140,993)	0	0	0	0	0	0	(479,541.00)	(269,003.00)	56.10%
22 Reimbursements Revenue	(2,130)	(1,095)	(25,278)	(9,944)	(7,632)	(8,123)	(9,000)	(24,862)	(7,878)	(17,652)	(51,918.00)	(61,676.00)	118.80%
Interest Expenditure Reimbursed	0	0	(272,007)	(136,004)	0	0	0	0	0	0	(272,007.00)	(136,004.00)	50.00%
Oncost Recoveries - Internal Tfer	(196,728)	(125,845)	(540,749)	(330,753)	(108,124)	(69,496)	(239,807)	(121,249)	(959,200)	(547,383)	(2,044,608.00)	(1,194,726.00)	58.43%
Plant Hire Income - Internal Tfer	(13,800)	0	(39,190)	0	0	0	(47,580)	0	(1,460,680)	(1,037,278)	(1,561,250.00)	(1,037,278.00)	66.44%
10 Other Internal Transfers Income	(155,588)	(103,588)	(530,362)	(31,331)	(773,757)	(515,757)	(462,356)	(321,441)	(6,092,807)	(4,050,393)	(8,014,870.00)	(5,022,510.00)	62.66%
23 Other Revenue	(468,000)	(238,221)	(16,266)	(19,772)	(356)	(224)	0	7,571	(93,180)	(104,908)	(577,802.00)	(355,554.00)	61.54%
	(1,173,873)	(596,883)	(15,818,429)	(13,854,919)	(1,431,477)	(1,025,687)	(1,483,941)	(963,785)	(13,032,428)	(8,207,847)	(32,940,148.00)	(24,649,121.00)	74.83%
Underlying (Surplus) / Deficit Before	1,063,087	610,108	(3,630,182)	(5,693,378)	(122,282)	(338,791)	(137,167)	(66,716)	2,298,455	1,810,316	(528,089)	(3,678,461)	
20 Gain on sale of Fixed Assets	0	0	0	0	0	0	0	0	0	0	0	0	
6 Loss on Sale of Fixed Assets	0	0	0	292	0	0	0	0	505,860	0	505,860	292	
Net Loss On Disposal of Fixed Assets	0	0	0	292	0	0	0	0	505,860	0	505,860	292	
Underlying (Surplus) / Deficit	1,063,087	610,108	(3,630,182)	(5,693,086)	(122,282)	(338,791)	(137,167)	(66,716)	2,804,315	1,810,316	(22,229)	(3,678,169)	
Capital Grant Revenue	0	0	0	0	0	(120,610)	0	0	(8,697,948)	(833,388)	(8,697,948)	(953,998)	
Subdivider & Capital Contributions	0	0	0	0	0	0	0	0	(330,765)	0	(330,765)	0	
	0	0	0	0	0	(120,610)	0	0	(9,028,713)	(833,388)	(9,028,713)	(953,998)	
Operating (Surplus) / Deficit	1,063,087	610,108	(3,630,182)	(5,693,086)	(122,282)	(459,401)	(137,167)	(66,716)	(6,224,398)	976,928	(9,050,942)	(4,632,167)	