

Bryce, Mark (Parks)

From: Bryce, Mark (Parks)
Sent: Monday, 2 December 2019 11:03 AM
To: [REDACTED]
Subject: RE: Reclaim Malbena event permit application

Ok Thanks for your email.

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | [REDACTED]
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: [REDACTED]
Sent: Thursday, 28 November 2019 4:57 PM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Subject: Reclaim Malbena event permit application

Hi Mark

Just a courtesy note to let you know that Reclaim Malbena will no longer be submitting an event permit application on Friday because the event will no longer be occurring on land controlled by the PWS.

Reclaim Malbena will still go ahead in a revised form, and given the unexpected publicity we've had over the last few days we anticipate that attendance will greatly exceed previous expectations.

Due to the EPBC complications, the entire event will now be held at trawtha mukaminya, and the social media pages will be hosted by FAWAHA rather than TWS.

As the event is to be held on private land, and because we are no longer encouraging people to enter the TWWHA, we are no longer registering people who may independently decide to walk into the Olive/Malbena area. Nor are we offering advice on camping and LNT, or trying to control numbers.

Sincerely

[REDACTED]

Bryce, Mark (Parks)

From: Bryce, Mark (Parks)
Sent: Monday, 2 December 2019 12:24 PM
To: Roberts, Andrew (Parks)
Subject: FW: to discuss Halls Island protest

Sorry forgot to copy you in.

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | [REDACTED]
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: Bryce, Mark (Parks)
Sent: Monday, 2 December 2019 12:17 PM
To: Brennan, Warwick (DPIPWE) <Warwick.Brennan@dpiuwe.tas.gov.au>
Cc: Holeywell-Jones, Alice (DPaC) <Alice.Holeywell-Jones@dpac.tas.gov.au>
Subject: RE: to discuss Halls Island protest

Hi

The protest (or event) is no longer going to be held within the TWWHA, and no one is claiming to be an organiser of any event within the TWWHA.

This is the latest website information:

<https://www.eventbrite.com.au/e/reclaim-malbena-tickets-81271261531>

The so called 'track' from Olive Lagoon to Lake Malbena is nothing more than a route it is difficult to discern and follow.

Judging on the track conditions we would estimate that less than 20 people use the route per year.

There would have been a risk that large numbers of people would have caused environmental damage to threatened vegetation communities – particularly the Sphagnum peatland community (a nationally threatened ecological community).

Walkers who are unfamiliar with the route and unable to navigate could get into trouble.

A group of 8 walkers intending to go to the shores of Lake Malbena should be ok – so long as they are careful in selecting routes that avoid the Sphagnum peatland where ever possible.

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | [REDACTED]
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



-----Original Appointment-----

From: Brennan, Warwick (DPIPWE) <Warwick.Brennan@dPIPWE.tas.gov.au> **On Behalf Of** Holeywell-Jones, Alice (DPaC)
Sent: Monday, 2 December 2019 11:50 AM
To: Bryce, Mark (Parks); Bauche, Nicole (Parks)
Subject: FW: to discuss Halls Island protest
When: Wednesday, 4 December 2019 3:00 PM-3:30 PM (UTC+10:00) Hobart.
Where: Hobart-15 Murray St-Level 9-Meeting Room (DPaC)

Hi Mark and Nicole

Min office would like to catch up with us on Wednesday to get latest info on Lake Malbena protest and brief Government Media office so everyone feels ready to deal with media that may occur over the weekend. Mark, if you could attend to update on latest info available on protest etc

Thanks
Warwick

-----Original Appointment-----

From: Holeywell-Jones, Alice (DPaC)
Sent: Monday, 2 December 2019 11:12 AM
To: Holeywell-Jones, Alice (DPaC); Davidson, Ben (DPaC); Langtry, Lucy (DPaC); Brennan, Warwick (DPIPWE)
Cc: McGregor, Barbara (DPaC)
Subject: to discuss Halls Island protest
When: Wednesday, 4 December 2019 3:00 PM-3:30 PM (UTC+10:00) Hobart.
Where: Hobart-15 Murray St-Level 9-Meeting Room (DPaC)

Hi Waz

As discussed if you could forward to the PWS attendee please?

Cheers

Alice

From: Brennan, Warwick (DPIPWE) <Warwick.Brennan@dpiuwe.tas.gov.au>
Sent: Monday, 2 December 2019 11:41 AM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: RE: Lake Malbena

I might invite Mark to attend meeting with Alice and Government Media office if that is ok with you and he can update on latest info on this..

Thanks
Warwick

From: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Sent: Monday, 2 December 2019 11:36 AM
To: Brennan, Warwick (DPIPWE) <Warwick.Brennan@dpiuwe.tas.gov.au>
Subject: RE: Lake Malbena

Hi Waz

Latest is that Wilderness Society have withdrawn their involvement and the Fly fishers [REDACTED] has advised that they will not be entering the National park.

Mark Bryce is across the detail, but I suspect any media will hinge on blog or facebook posts?

j

Jason Jacobi
A/Secretary

Department of Primary Industries, Parks, Water and the Environment
03 6165 3056 | [REDACTED]
jason.jacobi@parks.tas.gov.au
Level 2, Marine Board Building, Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001

From: Brennan, Warwick (DPIPWE) <Warwick.Brennan@dpiuwe.tas.gov.au>
Sent: Monday, 2 December 2019 10:51 AM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: Lake Malbena

Hi Jason,

I'm organising a catch up with Alice and Government Media office to discuss how we are going to manage media around Lake Malbena protest this weekend.

Would be good to have someone from PWs attend either in person or on phone to run us through operationally how it is being managed from PWs point of view ie will there be a PWs presence on site etc

Are you able to advise whether best person we can have in that discussion as well?

Thanks
Warwick

RTI-DL-RELEASE-DPIPWE

Bryce, Mark (Parks)

From: Bryce, Mark (Parks)
Sent: Monday, 2 December 2019 1:47 PM
To: Curtis, Phillip (DPEM)
Subject: Re: Lake Malbena
Attachments: image001.png; image002.jpg

Ok thanks

Sent from my iPhone

On 2 Dec 2019, at 1:31 pm, Curtis, Phillip (DPEM) <Phil.Curtis@police.tas.gov.au> wrote:

All,

I have contact today from [REDACTED] who is one of the organisers of the protest walk into Lake Malbena.

He states as a result of the concerns raised by Parks that there will only be 8 walkers going into Lake Malbena on Saturday 7/12/19 (returning Sunday 8/12/19).

He states they are expecting 100-150 people to assemble at the Aboriginal Land and be involved in a public picnic.

Around 9am on the Saturday there will be a morning tea and send off for the walkers at that location.

They will apparently also have a traffic flow plan.

I have indicated that police may simply call in if they are in the area and he welcomed police to attend the area.

Further I have spoken with [REDACTED] and the information he has received is there still may be additional walkers (than the 8), but the organisers will deny knowledge or involvement with those people.

Phil

From: Bryce, Mark (Parks)
Sent: 25 November 2019 09:53
To: Curtis, Phillip (DPEM) <Phil.Curtis@police.tas.gov.au>
Subject: RE: Contact details as discussed

Sorry – realised I hadn't got back to you.

The access to Lake Malbena is via Lake Olive. There is an old 4WD track to the Lake Olive and a well worn track from Lake Olive to Lake Malbena. The private land is owned by the Aboriginal Community (Aboriginal Land Tasmania) and have granted permission for the people associated with the event to cross their land.

We plan to go into the area and assess the onsite conditions later this week.

Regards

Out of Scope

-----Original Message-----

From: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Sent: Monday, 4 November 2019 7:32 AM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: RE: Halls island protest

We would first have to determine if they require a group activity authority (see attached).

If it we think it does meet the criteria as a group activity we would have to write to them (**Section 36**) reminding him, if he is the organiser, that a group activity authority is required.

One of the problems is determining who organised the 'group activity' something that has been difficult in the past.
Current PIN 2 penalty units - \$336

If you took the matter to court (highly unlikely) up to 20 penalty units. \$3,360

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | **Section 36**
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000 GPO Box 1751 Hobart TAS 7001

-----Original Message-----

From: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Sent: Monday, 4 November 2019 7:15 AM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Subject: Halls island protest

Hi Mark,

I suspect that they would require a group activity permit for this protest.

What is the fine if they do not obtain beforehand?

J

<http://gandmmonitoring.com.au/reports/story.php?storyProfileID=356746>

RTI-DL-RELEASE-DPIPWE

Out of Scope

From: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Sent: Friday, 15 November 2019 4:38 PM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Cc: Finlayson, Hayley (Parks) <Hayley.Finlayson@parks.tas.gov.au>
Subject: Fwd: Lake Malbena Protest - threat to MNES - Commercial in Confidence

Hi Mark

As discussed, I will need by Wed next week:

Some speaking points for a discussion with Wilderness Society.

A draft letter to the Wilderness Society and **Section 36** requesting that they apply for a group activity permit so that an assessment of impacts can be determined.

thanks,
Jason

Jason Jacobi

Deputy Secretary

Tasmania Parks and Wildlife Service
Department of Primary Industries, Parks, Water and Environment
Level 2, Lands Building, 134 Macquarie Street, Hobart
GPO Box 1751 Hobart TAS 7001
General Enquiries: 1300 TASPARKS (1300 827 727)
Direct Ph: (03) 6165 4234 | Mobile: **Section 36**
Fax: (03) 6173 0226
Email: jason.jacobi@parks.tas.gov.au
Web: www.parks.tas.gov.au

Begin forwarded message:

From: RiverFly 1864 <info@riverfly.com.au>

Date: 15 November 2019 at 1:26:50 pm AEDT

To: [Section 36]

Cc: [Section 36] <[\[Section 36\]@environment.gov.au](mailto:[Section 36]@environment.gov.au)>, "'Jacobi, Jason (Parks)'" <Jason.Jacobi@parks.tas.gov.au>

Subject: Lake Malbena Protest - threat to MNES - Commerical in Confidence

Hello [Sect] and Jason,

Please see attached letter (pdf) thank you.

Kindest Regards,

[Section 36]

RiverFly 1864 www.riverfly.com.au

Mobile: [Section 36]

[Section 36], Launceston

Tasmania, Australia

FB www.facebook.com.au/riverfly1864

2016 Qantas Australian Tourism Award Winner

2016 & 2017 Tasmanian Tourism Award Winner

RTI-DL-RELEASE-DPIPWE

2019-11-15 11:42:49

make it because of the WFFC.

The Aboriginal custodians of Gowan Brae have graciously allowed access to their land for the event, meaning that attendees will be able to walk from the WHA boundary near Johnsons Lagoon along the historic route via Olive Lagoon and Mary Tarn.

In order to responsibly plan for the event it is important that we have some idea of numbers, so we are asking that you register your interest in attending:

<https://www.facebook.com/events/526701817908620/>

An information sheet (containing times, etiquette, notes and history, maps, etc.) will soon be available, and there will be regular updates in the lead-up to the event.

There will be multiple options for those who want to participate, including:

- Simply being present at the Gowan Brae boom gate for the beginning of the event
- Walking only as far as Olive Lagoon or Mary Tarn (either as a daytrip or camping overnight)
- Camping on the proposed helipad at Lake Malbena
- Pack rafting around Halls Island

We are hoping to be able to shuttle people unable to walk, or without access to a high-clearance vehicle, from the boom gate to the WHA boundary. Remember, once you cross the WHA boundary you will be in a designated Self-reliant

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2019-11-15 11:44:29

2019 at 11:04 pm

#857615

A post or two ago, I confirmed the date of the **Reclaim Malbena** event as 7-8 December 2019 and asked that you register your interest in attending:

<https://www.facebook.com/events/526701317908620/>

Son of a Beach asked how to register if you do not do Facebook (thanks for the 'heads up'). The short-term answer is:

Email **Section 36** tom.alien@wilderness.org.au

Or:

If email is not possible, phone Tom on **Section 36**

Wilderness just be sacred... LAKE MALBENA!

2019 at 2:30 pm

#857747

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MALBENA!



Child of Gondwana
Wed, 4 Dec at Fullers Bookshop
James is interested
Interested · Going



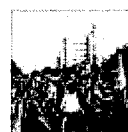
Support XR Nannas at Court
Monday at Hobart Court of Pett...
135 guests
Interested · Going



Nurturing Active Hope Works...
Sun, 8 Dec at Climate Resilienc...
7 guests
Interested · Going



Global Climate Strike Hobart
Fri, 29 Nov at Parliament Lawns...
1,404 guests
Interested · Going



Critical Mass Hobart #NOV
Fri, 29 Nov at Hobart Brewing Co...
253 guests
Interested · Going

DEC 7

Reclaim Malbena!

Public · Hosted by The Wilderness Society Tasmania and Fishers & Walkers Against Helicopter Access Tasmania

★ Interested ✓ Going

↗ Share ▾ ...

Create Event ▾

🕒 7 Dec at 07:00 – 8 Dec at 13:00

📍 Walls of Jerusalem National Park
Walls Of Jerusalem 7304

Show map

👤 Hosted by The Wilderness Society Tasmania

Message host

About

Discussion

70 going · 383 interested

YOUR PAGES

📄 RiverFl...

CONTACTS

👤 Simone

👤 Brock K

👤 Oliver k

👤 Tim Re

👤 Gina W

👤 Sam De

👤 Rick Ma

👤 Janie F

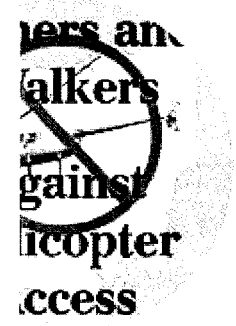
GROUP CONVE

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2019-11-15 13:18:58



& Walkers Helicopter Tasmania

A Tas

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Fishers & Walkers Against Helicopter Access Tasmania 4 November at 16:17

Hi all... The following was posted by Section 36 for us to share.

A COMMUNITY VISIT TO MALBENA IS BEING ORGANISED FOR THE WEEKEND OF SATURDAY 7 DECEMBER AND SUNDAY 8 DECEMBER. IT IS TIMED TO COINCIDE WITH AN OCCUPY HALLS ISLAND PROTEST.

To facilitate this event, the Aboriginal custodians of Gowan Brae have graciously allowed access through their property, so we will be walking the historic route from the WHA boundary via Olive Lagoon, Mary Tarn and Lake Loretta, a distance of about 11 km each way (3-4.5 hours depending upon fitness).

A Direct Action protest is needed straight away because the government is quickly removing your Right to Know, your Right to be Heard and your Rights of Legal Appeal.

The heart of the matter is the way helicopter fly-outs and luxury lodges are being championed by the government despite overwhelming public opposition, but it's worth summarising the corruption of democracy that got us to this point:

OWNERSHIP OF ISLAND

The owner almost accidentally acquired a historic lease to the hut, and was

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and 1 other like this

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Typically replies within a few hours Send message

Community

Suggest Edits

Page transparency

See more

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

YOUR PAGES

RiverFly 1864

CONTACTS

Greg Pi

Tom Ell

Toby El

April Da

Jessie S

Archana

Rachel

Gina W

GROUP CONVE

Search

From: Jacobi, Jason (Parks)
Sent: Wednesday, 20 November 2019 9:43 PM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>; Tolhurst, Anne (Parks) <Anne.Tolhurst@parks.tas.gov.au>; Mike Spaulding (Michael.Spaulding@parks.tas.gov.au) <Michael.Spaulding@parks.tas.gov.au>
Cc: Fry, Jen (Parks) <Jen.Fry@parks.tas.gov.au>; Colley, Chris (Parks) <Chris.Colley@parks.tas.gov.au>; Lloyd, John (Parks) <John.Lloyd@parks.tas.gov.au>
Subject: RE: Section Wilderness Society
Importance: High

Thanks Mark,

Attached is further correspondence from Section raising concerns about the potential for environmental impact at Halls Island and Lake Malbena. There is little doubt that those numbers will likely cause environmental harm.

I would appreciate you calling Sec from the Wilderness Society today. I think he may be on leave but Section 36 is acting CEO? As discussed, they need to apply for an event (Group Activity permit) so that we can properly gauge the level of potential impact and set conditions on numbers for visitor safety and environmental reasons.

Section 35

This may be an important issue to confirm with the Organisers that they need to seek consent from the lessee before accessing the island- assuming that we grant approval for the event.

Attached are my comments on your document.

Thanks and pls let me know how it goes.

Jason

Jason Jacobi
Deputy Secretary

Tasmania Parks and Wildlife Service
03 6165 4234 | [Section 36](#)
jason.jacobi@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Sent: Wednesday, 20 November 2019 8:06 AM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: [Section](#) Wilderness Society

Hi

Draft discussion points.

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | [Section 36](#)
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



RTI-DL-RELEASE-DPIPWE

From: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Sent: Tuesday, 26 November 2019 11:59 AM
To: [REDACTED]
Subject: FW: Lake Malbena Event

Hi

I do not believe my advice contradicts the letter to TNPA which simply advises that the agreement holder is working towards public access to the hut.

The access is at the agreement holder's discretion.

Hence I have advised that you seek their agreement to access the area.

In relation to getting a copy of the agreements they are commercial in confidence and would require the agreement of all parties to those agreement before they could be made public.

Regards

Mark Bryce
Director Landscape Programs

—
Tasmania Parks and Wildlife Service
03 616 54272 | **Section 36**
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: [REDACTED]
Sent: Tuesday, 26 November 2019 10:35 AM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Subject: Re: Lake Malbena Event

Hi Mark

Please let me know if your advice (below) supersedes the advice from your General Manager. Either way, an apology would be appreciated.

Sincerely

Secti

From: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Sent: Tuesday, 26 November 2019 7:10 AM
To: [REDACTED] **Section 36**
Subject: Lake Malbena Event

Hi

Further to our phone conversation yesterday.

I have checked with our Property Services staff. It appears that the PWS are not in a position to grant a group event authority for Halls Island without the prior written consent of the Lessees. It remains the Lessee's prerogative whether or not to grant others permission to visit Halls Island. It is our understanding that the Lessee can only grant permission to conduct activities on the island in accordance with the permitted purpose of the leases, or if those activities are ancillary to the permitted purpose/activities. If you have received legal advice to the contrary it would be appreciated if you could send that through.

In order to determine environmental capacity of the sites for the event we will be consulting with PWS staff who are familiar with the site.

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
03 616 54272 | **Section 36**
Mark.Bryce@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: Bryce, Mark (Parks)
Sent: Monday, 25 November 2019 9:45 AM
To: [REDACTED] **Section 36**
Subject: Lake Malbena Event

Hi **Sect**

As mentioned the event proposed for the 7th and 8th of December 2019 will require approval.

Attached is an event/group activity application form can you please complete this and return to me via email as soon as possible (at least by Friday 29th November).

Based on our discussions on Friday 22 November, we need to determine proposed numbers staying overnight at Lake Malbena and Olive Lagoon.
Our concerns are around large numbers of people causing environmental harm.

With regard to proposed toileting arrangements – you mentioned leave no trace, but with 30-50 camping at Lake Malbena and Olive Lagoon a carry out policy should be imposed.

You mentioned people going onto Halls Island and the lease provides the lessee exclusive possession of the island and you will need to get permission from the lessee before going onto the island.

Let me know if you require assistance completing the form – I'm on the road so mobile is best if you need to contact me.

Thanks

Mark Bryce
Director Landscape Programs

Tasmania Parks and Wildlife Service
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Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
	Document Title and Reference No: <i>Group Activities and Events Policy and Procedures</i> PWS P- 062	Revision Date:
Status: Approved		Revision No:



GROUP ACTIVITIES AND EVENTS POLICY AND PROCEDURES

1 Purpose

This policy and procedures aims to ensure consistency in the assessment and approval of group activities and events on land managed by the Parks and Wildlife Service and reserved under the *Nature Conservation Act 2002*.

In particular the policy and procedures provide guidance for the application of regulation 16 (*National Parks and Reserved Land Regulations 2009*) which allows the PWS to authorise and control group activities. A number of related issues are also covered including charging of facilities fees.

Group activities for the purpose of this policy and procedures is defined as:

The organised use of a reserve or part of a reserve by a group of persons. A group activity includes any event, training, ceremony, competition and tournament.

2 Background/Context

Regulation 16 of the *National Parks and Reserved Land Regulations 2009* provides PWS the ability to control group activities. The regulation states:

(1) *Unless otherwise authorised by the Act, a person must not organise or conduct a group activity on any reserved land that involves or may –*

- (a)** *cause damage to the environment, property or other thing on that reserved land; or*
- (b)** *impact on the natural, or cultural, values of the reserved land; or*
- (c)** *cause disturbance to the wildlife on that reserved land; or*
- (d)** *cause significant inconvenience to any person on that reserved land; or*
- (e)** *cause risk to the safety of any person on that reserved land.*

(2) *In this regulation –*

"group activity" *includes any event, training, ceremony, competition and tournament that involves the organised use of a part of reserved land by a group of persons.*

The intent of the regulation is to have the power to assess and approve of group activities. It was always envisaged that departmental policy and procedures would be developed to guide PWS staff in the application of the regulation.

Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
	Document Title and Reference No: Group Activities and Events Policy and Procedures PWS P- 062	Revision Date:
Status: Approved		Revision No:

Explanatory notes submitted to Department of Treasury and Finance as part of the Legislative Review Program procedures provide further details regarding the intent of the regulation:

The intent of the regulation is for PWS to clearly have the authority to assess and approve or refuse applications for organised recreational, sporting, or adventure based events.

Organised events need to be regulated to help PWS meet its statutory obligations re proper care and control of reserved land. That is, to ensure the activity is consistent with the reserve class and RSF category, does not directly or indirectly compromise reserve values (sensitive area, vegetation or wildlife habitat etc); adopts minimal impact practices (phytophthora control measures – clean boots , bikes etc) and has adequate safety mechanisms specifically public liability insurance. This can only be achieved through PWS knowledge of the event (proposal and location), and where approved through appropriate 'conditions'.

The regulation will generally reduce the potential conflict of use and inconvenience to general reserve visitors through the management of the group activity (prior knowledge of & conditions of approval).

Regulation 16 has no implications with regard to licensed commercial group activities.

A number of complaints have been made in regard to the application of the new regulation. The claim is that control is being exercised when there is no justification. State wide consistency is required. Depending on the interpretation of the regulation it could be applied whenever a group of people visit a reserve.

The application of the regulation when not warranted can cause a number of problems including:

- groups unnecessarily being subjected to an application/approval process
- groups or persons conducting events being charged a fee
- increased administrative load on PWS staff
- lack of consistency

Additional issues related to group activities and events include payment of park entry fees and facilities fees.

Payment of Park Entry Fees (PEF)

Persons visiting national parks may apply for an exemption to the payment of a park entry fee. Criteria for waiving PEFs are given in Attachment 1. School groups and special events are often provided an exemption from the payment of park entry fees on the basis that they are educational or provide a promotional opportunity for PWS.

Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
	<i>Document Title and Reference No:</i> Group Activities and Events Policy and Procedures PWS P- 062	<i>Revision Date:</i>
Status: Approved		<i>Revision No:</i>

Facilities Fees

The *National Parks and Reserves Management Act 2002* (S30(3)(a)) provides for charging a fee for persons using facilities and conveniences. While some group/event activities may be eligible to be exempt from paying a Park Entry Fee consideration should be given to the charging of a facility fee where the activities rely on the use of PWS managed facilities and conveniences. The policy aims to provide a consistent approach to the introduction of facility fees.

3 Policy

- 3.1 This policy refers mainly to non-commercial group activities and events. However the assessment processes will be used by Commercial Visitor Services to assess commercial applications.
- 3.2 The PWS aims to provide a range of opportunities for group activities consistent with reserve management objectives and conservation of reserve biophysical, recreational and cultural values.
- 3.3 The PWS will implement and maintain a consistent and efficient assessment and approval process for group activities to ensure timely customer service.
- 3.4 Group activities are subject to assessment in accordance with the Environmental Risk Management Policy P010 and reserve activity assessment processes.

4 Responsibilities

- 4.1 **Secretary (Director PWS)**
Approval prior to the charging of facility fees.
- 4.2 **Branch Managers [including Regional Managers]**
Ensure that this policy and procedures are implemented in work areas under their control.
- 4.3 **Regional Operations Managers**
PWS employees understand and apply the policy and procedures.
- 4.4 **Manager Commercial Visitor Services**
Determine whether group and event activities are commercial or non-commercial.

Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
	<i>Document Title and Reference No:</i> Group Activities and Events Policy and Procedures PWS P- 062	<i>Revision Date:</i>
Status: Approved		<i>Revision No:</i>

5 Procedures

- 5.1 Approval of all group and event activities must be consistent with the relevant reserve management objectives as listed in Schedule 1 of the *National Parks and Reserves Management Act 2002* and comply with any statutory Management Plan prescriptions relating to the control of and assessment of group activities and events.
- 5.2 Group activities will be assessed in accordance with the PWS Environmental Risk Management Policy 2012.
- 5.3 An authority under Regulation 16 (*Reserved Land Regulations 2009*) will not be issued to persons conducting group activities or events deemed commercial in accordance with S38 of the Act. The Manager Commercial Visitor Services is to determine if group activities are commercial or not.
- 5.4 All group activities and events must comply with Local Council use controls under the Local Government Planning Scheme(s)
- 5.5 If the group activity requires other approvals under the *National Parks and Reserved Land Regulations 2002* (for example erecting structures R4(4); taking vehicles off formed roads (R18), aircraft landings (R24)) then an authority will be issued.
- 5.6 Persons will require an authority to conduct group activities or events if those activities or events:
1. *Significantly* restrict access to or enjoyment of the reserve by other visitors. Group activities such as camping, walking and picnicking in areas designed to cater for these activities and level of use generally do not require an authority except where the numbers involved are likely to *significantly* interfere, constrain or adversely impact on others using the site. This includes considering the availability of facilities for use by other people, taking into account the likely demand for use of those facilities at the time of the group activities.
 2. Require control so as not to pose an unacceptable risk to other users. (See also 5.9 and 5.10 below)
 3. Pose a real risk of *damage* to the environment or *undesirable impact on reserve values*. This does not include impact expected through existing regular lawful use of an area. [Note regulation wording (a) – damage which implies that it will take some time to recover or require remedial works and (b) impact on values of the reserve implies that significant environmental impact is likely to be involved.]
- Typical situations in which group authorities may be warranted include:
- Access to sensitive areas where access is restricted e.g. caves
 - Activities in recreational zones or areas *not* designed to cope with the type and level of use e.g. activities in natural/wilderness zones
 - Extended bushwalks on T3, T4 and R (Class 5/6) tracks.
- 5.7 In considering the impact of any group activity or event the spectators expected as a consequence of conducting a group activity or event will be taken into consideration.

Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
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- 5.8 Conditions included in an authority issued for group activities will be limited to those necessary to conserve values and maintain visitor safety and enjoyment.
- 5.9 The management of visitor risks are covered by the Visitor Risk Management Policy P-002. Care needs to be taken so that the organisers are not left with the impression that the PWS are stating through the issue of an authority that it is safe to undertake the activity. The PWS is only obligated to ensure:
1. that the structures/recreational facilities are safe for the intended activity
 2. that the group activities or event does not expose other users to unacceptable risks e.g. use of vehicles on a swimming beach
- 5.10 It is the responsibility of the group activity organisers to ensure that the activities are conducted and supervised in a safe manner. Group organisers will be responsible for the safe conduct of their operations, including the safety of employees, participants, contractors and others visiting the reserve in accordance with relevant safety standards and legal obligations.

Facility Fees

- 5.11 Irrespective of whether group activity participants are exempted from payment of park entry fees, payment of facility fees may be applicable.
- 5.12 To ensure consistency any facility fees charged or fee increases for non-commercial group activities must be approved by the Secretary (Director PWS).

Recognition of PWS Support

- 5.13 In recognition of support for a group activity and in return for the cost of assessment (and potentially exemption from Park Entry Fees) a group organiser may be required to display the PWS logo on promotional material, consistent with PWS guidelines (Event Branding Guidelines) for the use of the logo, and acknowledge PWS support, consistent with the sponsorship arrangements covering all types of group events.

Process for Assessment of Group Activities

- 5.14 Generally assessment of group activities will be undertaken as follows:
1. Complete a group/event activity application form, see copy attached.
 2. Determine whether the group activity is commercial and therefore requiring a business licence in accordance with Section 38 of the Act. (Manager CVS)
 3. Determine if an authority is to be issued in accordance with this policy and procedures.
 4. Complete a RAA Checklist and if warranted further assessment via RAA.
 5. Determine any application for exemption from park entry fees (refer to the Park Entry Fees Policy and Procedures Manual P-025 for a list of exemption criteria.
 6. Determine if any facility fee approved by the Secretary is applicable.
 7. Issue authority if necessary.

Applicability: Parks and Wildlife	PWS Policy and Procedures	Issue Date: January 2013
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6 Administration and Approval

Policy Owner:

Mark Bryce
Director Operations

Approved:

Section 36

General Manager
Parks and Wildlife Service

Date: 9 January 2013

RTI-DL-RELEASE-DPIPWE



DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER AND THE ENVIRONMENT
 PARKS AND WILDLIFE SERVICE
 EVENT/GROUP ACTIVITY – APPLICATION FORM F-062

Proposed Event/Group Activity Name:	
Description of proposed event/group activity:	
Location / Route:	
Reason for location/route selection:	
Is the location/route negotiable/subject to change?	
Proposed date(s) and time(s):	
Event/Group Activity Contact Person	
Name:	
Postal Address:	
Post Code:	
Phone No.:	
Mobile No.:	
Email:	
Organising Body Business Details (if relevant)	
Business Name (ie Trading as):	
Company Name (Pty &/or Ltd):	
ABN:	
Business Address:	
Business phone number:	
Event/Group Activity Details	
Expected numbers attending: (max. number of people and vehicles)	
Site(s) and facilities to be used: (eg car parking – 20 vehicles, toilets, picnic shelter)	
Temporary facilities or structures to be erected/provided:	
What impacts will the activity have on other park visitors? How will these be minimised?	
Use of machinery? Vehicles off-formed roads?	
What environmental impacts (if any) will the activities have? How will these be minimised?	
Local Council Approval?	
If a park entry fee applies will you be seeking an exemption?	
Will the organising body be charging people a fee to attend or participate in the activity?	
Do you have Public Liability Insurance?	

Name of insurance company and coverage (\$):	
Expiry date of insurance policy:	
What measures have been taken to ensure the safety of those involved in the activities and any spectators?	
List skills/experience of activity supervisors/guides to ensure the activity can be conducted safely:	
Applicant Details	
Applicants Name:	
Applicants Signature:	
Date:	

Please attach any additional information

RTI-DL-RELEASE-DPIPWE



Department of Primary Industries, Parks,
Water and Environment

GPO Box 1751, Hobart, TAS 7001 Australia
Ph (03) 6165 4234 Fax 03) 6173 0226
www.parks.tas.gov.au



Section 36

President
Tasmanian National Parks Association

Out of Scope

Section 36

Dear

PUBLIC ACCESS TO HALLS ISLAND, LAKE MALBENA

Thank you for your letter of 12 February 2019. I understand you are seeking clarification regarding public access to Halls Island.

A non-commercial temporary licence was first issued for the hut in 1957, which was renewed annually. A family member of the licensee took over this agreement in 1980. The licensee then agreed for the current agreement holder to take over the licence and use of the hut in 2016. These transactions were completed under the relevant Acts that were in place at the time of that transfer. There are now both a non-commercial lease for the historic hut, and a commercial lease for the development proposal. I am advised that the agreement holder is currently working to enable organised public access to the non-commercial lease area, being the hut. The commercial lease over the remainder of the island is contingent on the development obtaining all necessary approvals. If those approvals are secured, then the lease affords the operator exclusive use.

Should you have any further queries about this matter, please contact Anne Tolhurst, Acting Manager, Crown Land Services, on 6165 4687 or anne.tolhurst@parks.tas.gov.au

Yours sincerely

Jason Jacobi
**GENERAL MANAGER
PARKS AND WILDLIFE SERVICE**

4 March 2019

Out of Scope

From: Jacobi, Jason (Parks)

Sent: Wednesday, 27 November 2019 4:55 PM

To: Whittington, John (DPIPWE) <John.Whittington@dPIPWE.tas.gov.au>

Subject: RE: Contradictory advice from DPIPWE officers regarding access to Halls Island

Importance: High

Hi John,
Draft reply for your consideration...

Section 35

Regards,

John.

Jason Jacobi
Deputy Secretary

Tasmania Parks and Wildlife Service
03 6165 4234 | [Section 36](#)
jason.jacobi@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: Whittington, John (DPIPWE) <John.Whittington@dpiuwe.tas.gov.au>
Sent: Wednesday, 27 November 2019 2:19 PM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: Fwd: Contradictory advice from DPIPWE officers regarding access to Halls Island

Begin forwarded message:

From: [REDACTED] Section 36
Date: 27 November 2019 at 2:00:11 pm AEDT
To: "Whittington, John (DPIPWE)" <John.Whittington@dpiuwe.tas.gov.au>
Cc: "Bryce, Mark (Parks)" <Mark.Bryce@parks.tas.gov.au>
Subject: **Contradictory advice from DPIPWE officers regarding access to Halls Island**

Dear Mr Whittington

I am trying to verify whether the lease holder of Halls Island has the right to exclude access to the general public. I accept that he has the legal right to exclude people from the hut, but I am specifically asking about the rest of the island. It is vital that your officers provide clear advice on this matter as there is no other way for the public to know their obligations under the law. (The conditions of the lease are 'commercial in confidence' and are not publically available.)

On 4 March 2019 Jason Jacobi, General Manager of the PWS, issued this advice to the TNPA:

There are now both a non-commercial lease for the historic hut, and a commercial lease for the development proposal. I am advised that the agreement holder is currently working to enable organised public access to the non-commercial lease area, being the hut. The commercial lease over the remainder of the island is contingent on the development obtaining all necessary approvals. If those approvals are secured, then the lease affords the operator exclusive use.

To date the development has not obtained the necessary approvals.

On Friday 22 November 2019 Matt Bryce, the PWS Director of Landscape Programs, telephoned me in regard to Reclaim Malbena event. On Monday 25 November he emailed this advice:

You mentioned people going onto Halls Island and the lease provides the lessee exclusive possession of the island and you will need to get permission from the lessee before going onto the island.

I questioned the validity of this assessment. On Tuesday 26 November Matt Bryce emailed this response:

Further to our phone conversation yesterday. I have checked with our Property Services staff. It appears that the PWS are not in a position to grant a group event authority for Halls Island without the prior written consent of the Lessees. It remains the Lessee's prerogative whether or not to grant others permission to visit Halls Island.

I immediately emailed Matt Bryce and asked if his advice superseded that of his General Manager. Later that day (Tuesday 26 November) Matt emailed this response:

I do not believe my advice contradicts the letter to TNPA which simply advises that the agreement holder is working towards public access to the hut. The access is at the agreement holder's discretion. Hence I have advised that you seek their agreement to access the area.

I have reason to believe that the general Manager's advice is the correct advice. I feel that Matt Bryce's advice is designed to stop the Reclaim Malbena event, and that as such it verges on intimidation.

Could you please ask your staff to explain how they reconcile the conflicting pieces of advice. If the two pieces of advice cannot be reconciled, could you please confirm which advice is the correct advice and provide a written apology.

Sincerely

Section 36

RTI-DL-RELEASE-DPIPWE

From: Jacobi, Jason (Parks)
Sent: Friday, 29 November 2019 10:58 AM
To: Bryce, Mark (Parks) <Mark.Bryce@parks.tas.gov.au>
Cc: Roberts, Andrew (Parks) <Andrew.Roberts@parks.tas.gov.au>
Subject: FW: Reclaim Malbena event and the Wilderness Society

Hi Mark,
FYI

Jason Jacobi
Deputy Secretary

Tasmania Parks and Wildlife Service
03 6165 4234 | [Section 36](#)
jason.jacobi@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001



From: [Section 36](#) <[redacted]@wilderness.org.au>
Sent: Friday, 29 November 2019 9:10 AM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>
Subject: Re: Reclaim Malbena event and the Wilderness Society

Thanks Jason. My understanding - and I'm currently away in NZ - is that there are several organisers, including [Secti](#). [Secti](#)

On Thu, 28 Nov 2019 at 09:41, Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au> wrote:

Hi [Sect](#)

Thanks for making contact and advising me that you are not involved in the event.

I can only then assume that **Section 36** is the organiser and that you will defer any enquiries to him?

Regards,

Jason

Jason Jacobi

Deputy Secretary

Tasmania Parks and Wildlife Service

03 6165 4234 | **Section 36**

jason.jacobi@parks.tas.gov.au

Level 2, 134 Macquarie St Hobart TAS 7000

GPO Box 1751 Hobart TAS 7001



From: **Section 36** <@wilderness.org.au>

Sent: Thursday, 28 November 2019 9:27 AM

To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>

Subject: Reclaim Malbena event and the Wilderness Society

Dear Jason

I hope you are well.

I am writing with regard to the Reclaim Malbena event proposed for December 7-8.

This is to confirm that the Wilderness Society is no longer involved in organising this event.

I would be grateful if you could confirm receipt of this email.

Regards, **Section 36**

--



Section 36
Campaign Manager
Wilderness Society
Tasmania
130 Davey St
Hobart TAS 7000
Section 36 / 03 6281 1920
wilderness.org.au

I acknowledge the palawa people as the Traditional Owners and ongoing custodians of lutruwita / Tasmania. I pay my respects to their Elders past and present. And I acknowledge that sovereignty was never ceded.

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