

AUSTRALIAN CONVICT SITES STRATEGIC MANAGEMENT FRAMEWORK 2018



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Acknowledgement of Country

The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.



AUSTRALIAN CONVICT SITES

STRATEGIC MANAGEMENT FRAMEWORK 2018



MINISTERS' MESSAGE

The Australian Convict Sites World Heritage Property is a series of eleven outstanding heritage places across Australia that was included in the World Heritage List in 2010.

Each site represents key elements of the story of forced migration of convicts and is associated with global ideas and practices relating to punishment and reform of criminal elements of society during the modern era. British transportation to Australia was the world's first conscious attempt to build a new society on the labour of convicted prisoners. Some 160,000 men, women and children were transported to Australia over a period of 80 years between 1787 and 1868. The eleven sites that form the Australian Convict Sites World Heritage Property are outstanding examples of this story in Australia's rich convict history.

As a State Party to the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), the Australian Government ensures that effective and active measures are taken to protect, conserve, present and transmit the Outstanding Universal Value of our World Heritage properties. These obligations are met through

cooperative and legislative arrangements between the Australian Government, State and Territory governments, local government, and property owners/managers.

Eight years on from the listing, the *Australian Convict Sites - Strategic Management Framework* (the Framework) has been updated following the outcome of the review of the original version which was prepared to support the nomination. This document represents the evolving nature of the joint management of the Australian Convict Sites. It also recognises the important role the various statutory regimes have in protecting the individual sites, and acknowledges collaboration on community engagement.

The Framework is based on a tiered model of responsibility in accordance with governance at the local, state and national level. Our endorsement of the Framework demonstrates and reaffirms the strong commitment by our respective governments to the cooperative management of the Australian Convict Sites World Heritage Property.

The Hon Josh Frydenberg MP

**Australian Government Minister
for the Environment and Energy**

The Hon Will Hodgman MP

Tasmanian Minister for Heritage

The Hon Gabrielle Upton MP

**New South Wales Minister for the
Environment, Local Government
and Heritage**

The Hon David Templeman MLA

**Western Australian Minister for
Local Government, Heritage,
Culture and the Arts**



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INTRODUCTION

The Australian Convict Sites World Heritage Property is made up of 11 places:

- New South Wales – Old Government House and Domain, Hyde Park Barracks, Old Great North Road, Cockatoo Island Convict Site
- Tasmania – Brickendon-Woolmers Estates, Darlington Probation Station, Cascades Female Factory, Port Arthur Historic Site, Coal Mines Historic Site
- Western Australia – Fremantle Prison
- Norfolk Island – Kingston and Arthur's Vale Historic Area.

In addition to the World Heritage listing, each place is also included on respective state and local heritage lists or registers which provide statutory protection, and in the Australian Government's National Heritage List. World and National Heritage places are considered as matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), one of the strongest environmental laws in the world.

World Heritage listing is the highest level of international recognition that may be afforded to a place, acknowledging its Outstanding Universal Value and importance to all humankind. The Australian Government, on behalf of the Australian people, accepts its obligation to identify, protect, conserve, present and transmit the Outstanding Universal Value of the Australian Convict Sites to current and future generations. The Australian Government is the State Party to the Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). The Australian Government works collaboratively with the State governments to meet the obligations of the Convention. The States have overarching responsibility for their respective legislative frameworks and governance arrangements for the Australian Convict Sites within their jurisdictions, and the Australian Government is responsible for the governance arrangements of the Kingston and Arthur's Vale Historic Area and Cockatoo Island Convict Site. The day-to-day management of the individual places is the responsibility of the respective owners/managers.



Brickendon Estate (Department of the Environment and Energy)



Purpose of the Framework

The purpose of this Australian Convict Sites – Strategic Management Framework (the Framework) is to support the World Heritage Property as a whole and foster a better appreciation of Australia’s convict past. The Framework’s aim is to ensure the appropriate hierarchy and/or structural arrangements for the ongoing protection, conservation, management and presentation of the sites within each jurisdiction.

The Framework describes how the management system for the Australian Convict Sites is delivered. It has been prepared to complement existing legislative structures and other management regimes to address Australia’s international responsibilities under the World Heritage Convention.

The Framework also documents the commitment of owners/managers of the individual places to the longterm conservation, management, presentation

and transmission of the Outstanding Universal Value of the Australian Convict Sites through compliance with legislation, plans and other relevant governance arrangements. It is part of the overall planning for the Australian Convict Sites and does not contain detailed management policies for the individual places; these are included in the individual conservation management plans. The signatories to this Framework agree to work cooperatively to share information and develop appropriate management strategies for the benefit of the Australian Convict Sites World Heritage Property.

Under this Framework the respective state agencies and owners/managers will continue to undertake regulatory and day-to-day conservation and management, while coordinating responses as appropriate. By agreeing to the content of this document, governments have made a commitment to abide by its principles and to implement the strategies outlined.



Brickendon Estate (Department of the Environment and Energy)



WORLD HERITAGE

The World Heritage Convention

The World Heritage Convention was established under the auspices of the United Nations in 1972. It aims to promote cooperation among nations to protect the world's natural and cultural heritage. Australia's ratification of the Convention in 1974 made it one of the first countries to commit to identifying, protecting, conserving, presenting and transmitting the Outstanding Universal Value of World Heritage sites.



Woolmers Estate (Department of the Environment and Energy)

The Convention is administered by the World Heritage Committee, which is made up of 21 nations elected from the signatories to the Convention. Under the Convention a list of properties having Outstanding Universal Value has been established. The Australian Government works in close co-operation with state and territory governments to ensure it meets its international obligations.

Ownership and control

World Heritage listing does not affect ownership rights or control of sites. In Australia, individual properties remain under relevant Commonwealth, state, and private ownership. As a signatory to the World Heritage Convention, the Australian Government does however have an international obligation to protect, conserve, present and transmit to future generations the Outstanding Universal Value of the properties.

The responsible Australian Government agency for leading engagement and activity with the Convention is the Department of the Environment and Energy. Departmental officials attend all relevant World Heritage Committee, General Assembly and Working Group meetings; ensure all Committee decisions in relation to Australia's World Heritage properties are addressed; are involved in World Heritage Convention policy development and changes where appropriate; and engaging with each site and jurisdiction according to need.

In addition, the Australian World Heritage Focal Point within the Department of the Environment and Energy is the conduit for all official communication between the Australian Government and the international World Heritage system, particularly UNESCO's World Heritage Centre based in Paris. The Focal Point submits quarterly reports on proposed actions under the EPBC Act relevant to Australian World Heritage properties. It also coordinates Australia's input for World Heritage periodic reporting, with input from property managers.



Management obligations

The Australian Government manages its World Heritage properties in accordance with the duties and obligations of States Parties. Article 5 of the World Heritage Convention stipulates that:

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

- *to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;*
- *to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;*
- *to develop scientific and technical studies and research and to work out such operating methods as will make the state capable of counteracting the dangers that threaten its cultural or natural heritage;*
- *to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and*
- *to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.*

While UNESCO does not determine the management of listed properties, it requires periodic reporting about the state of conservation of World Heritage properties and can liaise with States Parties regarding potential concerns.

Outstanding Universal Value

The Australian Convict Sites World Heritage Property was inscribed on the World Heritage List in 2010. The Property's Statement of Outstanding Universal Value is as follows:

Brief synthesis

The property consists of eleven complementary sites. It constitutes an outstanding and large-scale example of the forced migration of convicts, who were condemned to transportation to distant colonies of the British Empire; the same method was also used by other colonial states.

The sites illustrate the different types of convict settlement organised to serve the colonial development project by means of buildings, ports, infrastructure, the extraction of resources, etc. They illustrate the living conditions of the convicts, who were condemned to transportation far from their homes, deprived of freedom, and subjected to forced labour.

This transportation and associated forced labour was implemented on a large scale, both for criminals and for people convicted for relatively minor offences, as well as for expressing certain opinions or being political opponents. The penalty of transportation to Australia also applied to women and children from the age of nine. The convict stations are testimony to a legal form of punishment that dominated in the 18th and 19th centuries in the large European colonial states, at the same time as and after the abolition of slavery.

The property shows the various forms that the convict settlements took, closely reflecting the discussions and beliefs about the punishment of crime in 18th and 19th century Europe, both in terms of its exemplarity and the harshness of the punishment used as a deterrent, and of the aim of social rehabilitation through labour and discipline. They influenced the emergence of a penal model in Europe and America.



Within the colonial system established in Australia, the convict settlements simultaneously led to the Aboriginal population being forced back into the less fertile hinterland, and to the creation of a significant source of population of European origin.

Criterion (iv): The Australian convict sites constitute an outstanding example of the way in which conventional forced labour and national prison systems were transformed, in major European nations in the 18th and 19th centuries, into a system of deportation and forced labour forming part of the British Empire's vast colonial project. They illustrate the variety of the creation of penal colonies to serve the many material needs created by the development of a new territory. They bear witness to a penitentiary system which had many objectives, ranging from severe punishment used as a deterrent to forced labour for men, women and children, and the rehabilitation of the convicts through labour and discipline.

Criterion (vi): The transportation of criminals, delinquents, and political prisoners to colonial lands by the great nation states between the 18th and 20th centuries is an important aspect of human history, especially with regard to its penal, political and colonial dimensions. The Australian convict settlements provide a particularly complete example of this history and the associated symbolic values derived from discussions in modern and contemporary European society. They illustrate an active phase in the occupation of colonial lands to the detriment of the Aboriginal peoples, and the process of creating a colonial population of European origin through the dialectic of punishment and transportation followed by forced labour and social rehabilitation to the eventual social integration of convicts as settlers.

Integrity and authenticity

The structural and landscape integrity of the property varies depending on the site, and on the type of evidence considered. It has been affected by local history, at times marked by reuse or lengthy periods of abandonment. The integrity varies between well preserved groups and others where it might

be described as fragmentary. Apart from certain visual perspectives in urban settings, the level of the property's integrity is well controlled by the site management plans.

Despite the inevitable complexity of a nomination made up of a series of eleven separate sites with more than 200 elements that convey the value of the property, the authenticity of the vast majority of them is good.

Protection and management requirements

All the sites forming the property are inscribed in the National Heritage List. They are also protected by the EPBC Act.

There is no direct major threat to the sites forming the serial property.

The general protection and management of the property are satisfactory. Conservation is articulated around a positive dynamic driven by the application of the conservation plans at each of the sites. The Brickendon and Woolmers Estate domains are an exception, and require ongoing assistance, both in terms of protection and conservation.

The management systems of the sites forming the property are appropriate, and they are adequately coordinated by the Strategic Management Framework for the property and its Steering Committee. For the sites involving the participation of private stakeholders for visitor reception, improved interpretation is however necessary; that includes the common objectives outlined in the Strategic Management Framework. It is also important to consider visitor reception facilities and their development in a way which respects the landscape conservation of the sites.



MANAGEMENT CONTEXT

Legislation

Australia is one of only a few countries worldwide that has enacted legislation to implement its obligations under the World Heritage Convention. The EPBC Act came into effect in 2000 and provides a direct link to Australia's obligations under the World Heritage Convention. The *Environment Protection and Biodiversity Conservation Regulations 2000* (the Regulations) prescribe the Australian World Heritage Management Principles, which the Australian Government and its agencies must take all reasonable steps to comply with (see **Appendix 1**).

World Heritage listing means a property is protected as a matter of national environmental significance under the EPBC Act. In managing the property, owners/managers are obliged to consider the Outstanding Universal Value of the property and must seek approval when making decisions affecting this value.

Under the EPBC Act a proposal that has, will have, or is likely to have a significant impact on the Outstanding Universal Value of a property must be referred to the Australian Government Environment Minister for a decision on whether approval is required. The EPBC Act places the responsibility on the person who takes or is considering taking an action to ensure it will not have a significant impact on the Outstanding Universal Value. Substantial civil and criminal penalties apply for breaches of the EPBC Act.

Each of the component sites is also subject to a range of state protection legislation, including state and local level planning and heritage development controls.

An outline of the primary legislative context that applies to the places is presented in **Figure 1**.

Planning approach

This Framework is part of the overall planning regime for the Australian Convict Sites. It seeks to ensure the conservation and management of all the sites included in the listing is consistent, coordinated and complementary. It was originally prepared by the Convicts Nomination Steering Committee for the Australian Government, New South Wales, Tasmanian, Western Australian and former Norfolk Island governments prior to the Property's inclusion in the World Heritage List in 2010. This revised version was prepared by the Australian Convict Sites Steering Committee in 2018.

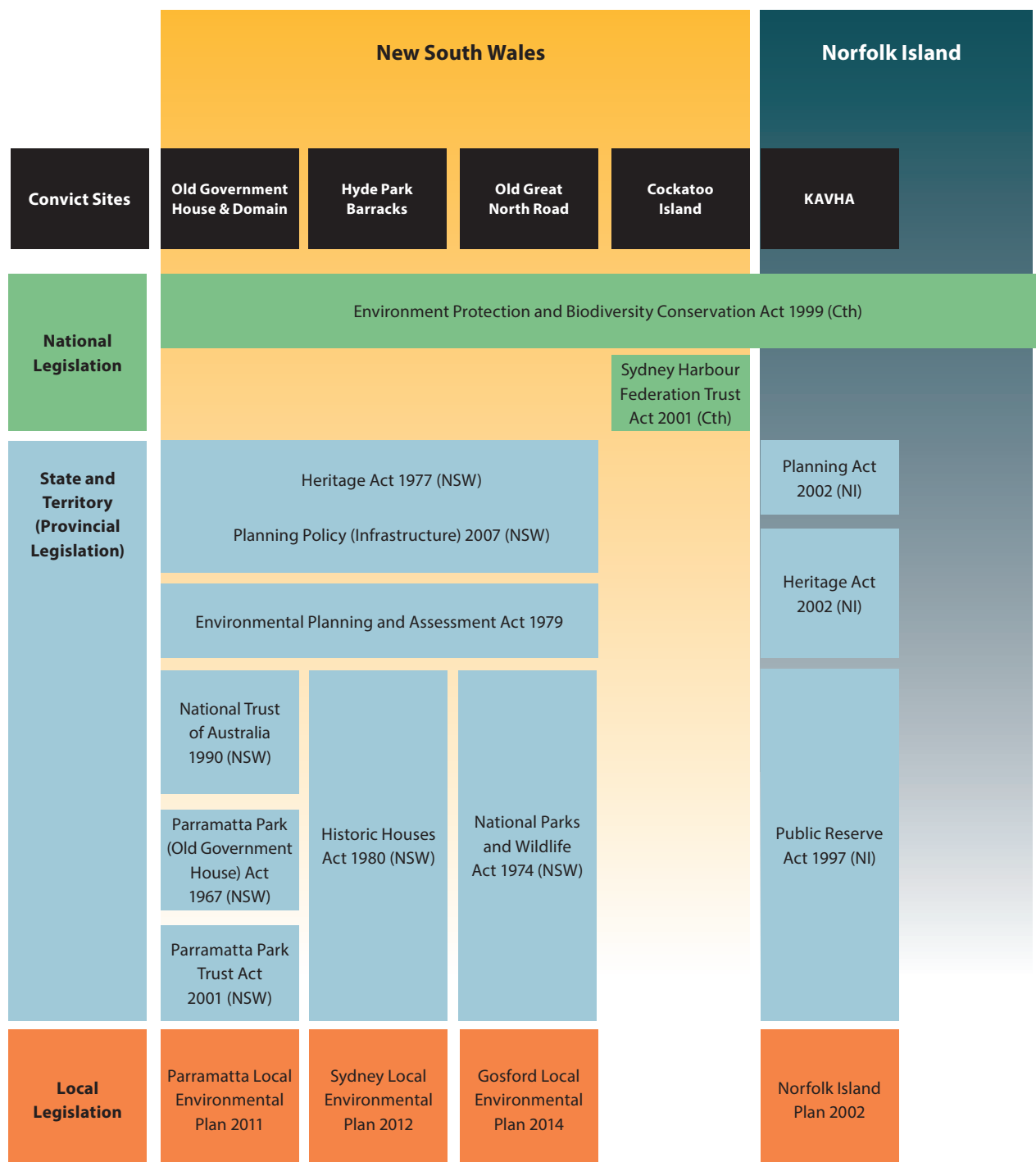
Preparation of this version of the Framework has been guided by the Report of the Review into the previous version, and consultation with the management agencies/owners.



Coal Mines Historic Site (Department of the Environment and Energy)



Figure 1: Legislative Context





Tasmania

Port Arthur

Coal Mines

Cascades

Darlington

Brickendon-
Woolmers

Western Australia

Fremantle Prison

Land Use Planning and Approvals Act 1993 (Tas)

Planning and
Development
Act 2005 (WA)

Historic Cultural Heritage Act 1995 (Tas)

Heritage
of Western
Australia Act
1990 (WA)
(expected to be
replaced in 2018)

National Parks and Reserves Management Act 2002 (Tas)

Port Arthur Historic Site Management
Authority Act 1987 (Tas)

Nature Conservation Act 2002

Tasman Interim Planning
Scheme 2015

Hobart Interim
Planning
Scheme 2015

Glamorgan
Spring Bay
Interim Planning
Scheme 2015

Northern
Midlands
Planning
Scheme 2013

City of Fremantle
Local Planning
Scheme No 4
2007 (Amended
June 2017)



STRATEGIC MANAGEMENT

Objectives

World Heritage status is the highest level of recognition afforded to a heritage place. It places a responsibility on Australia to apply the highest standards of management practice.

Management objectives for the Australian Convict Sites have been derived from the World Heritage Convention and its Operational Guidelines. These objectives are consistent with, and complemented by, the Australian World Heritage management principles set out in the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Strategic objectives for management of the Australian Convict Sites are:

- to collaboratively manage the Property's Outstanding Universal Value
- to conserve and protect the Property's Outstanding Universal Value for current and future generations
- to present and interpret the Property's Outstanding Universal Value, emphasising each site's contribution to the whole
- to give the Property a function in the life of the community.

These strategic objectives require a collaborative approach across the 11 sites to ensure the long-term protection, conservation and presentation of the Outstanding Universal Value of the Australian Convict Sites World Heritage Property.

Management arrangements

The Australian Convict Sites consists of 11 sites across three states and one external territory. The individual places are controlled and managed under various management and statutory regimes that provide specific legal protection. That protection is translated into protective measures under management plans and associated programs.

This Framework provides an overarching structure to meet the obligations for the protection, conservation, management and presentation of the Australian Convict Sites as set out in the Operational Guidelines:

- Outstanding Universal Value, the condition of integrity and/authenticity at the time of inscription is maintained or enhanced in the future;
- adequate long-term legislative, regulatory, institutional and/or traditional protection and management is in place to ensure their safeguarding;
- legislative and regulatory measures at national and local levels provide for the conservation of the property and protection against development and change that might negatively impact the Outstanding Universal Value or the integrity and/or authenticity of the property;
- boundaries of places are clearly delineated;
- wherever necessary for the proper conservation of the property, an adequate buffer zone is provided to give a complementary legal protection to the property; and
- each nominated property has an appropriate management plan that specifies how the Outstanding Universal Value of the property should be preserved, preferably through participatory means.

The management regime for the Australian Convict Sites is structured through several governing bodies and through the individual conservation management plans for the places that make up the Australian Convict Sites World Heritage Property. The conservation management plans that accompanied the World Heritage nomination were prepared to meet the EPBC Act standards for National and World Heritage management plans. The plans also satisfy the various state regulatory requirements and will be reviewed and revised as required.



Administration and consultation arrangements

The Australian Convicts Sites is administered through a system of governing bodies and owners: those concerned with the management and operational aspects of specific places at the state and local level as well as those with management of the property as a whole, including a national strategic approach to World Heritage governance (see **Figures 3** and **4**).

In 2006 all participating governments in Australia agreed to establish a Convict Nomination Steering Committee (CNSC) of senior agency officials from each of the state and territory governments, as well as the Australian Government, to develop policy directions and cooperative management of the possible World Heritage property. One of the primary roles of the CNSC was to oversee the formulation of the original Framework. Following the listing of the Australian Convict Sites in the World Heritage List, the Australian Convict Sites Steering Committee (ACSSC) was established with responsibility for implementing the Framework.



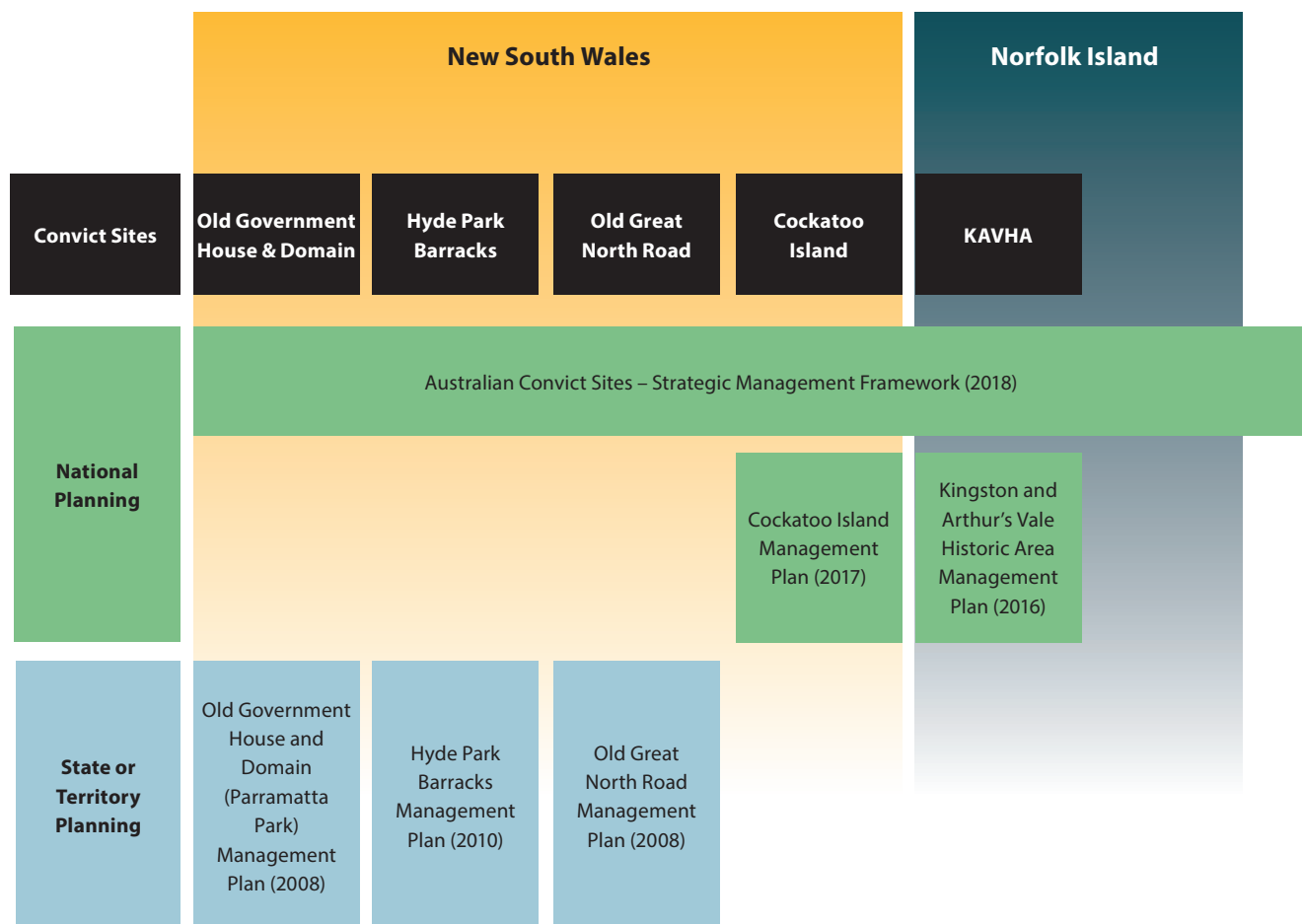
Kingston and Arthur's Vale Historic Site
(Department of the Environment and Energy)



Mess Hall (former) Cockatoo Island
(Department of the Environment and Energy)



Figure 2: Management System



Management Documents being updated in 2018	
Old Government House and Domain	Port Arthur Historic Site
Hyde Park Barracks	Coal Mines Historic Site
Fremantle Prison	Darlington Probation Station
Old Great North Road	Cascades Female Factory
Brickendon Estate	

Figure 2 shows the interaction between the Australian Convict Sites - Strategic Management Framework and the individual management plans.

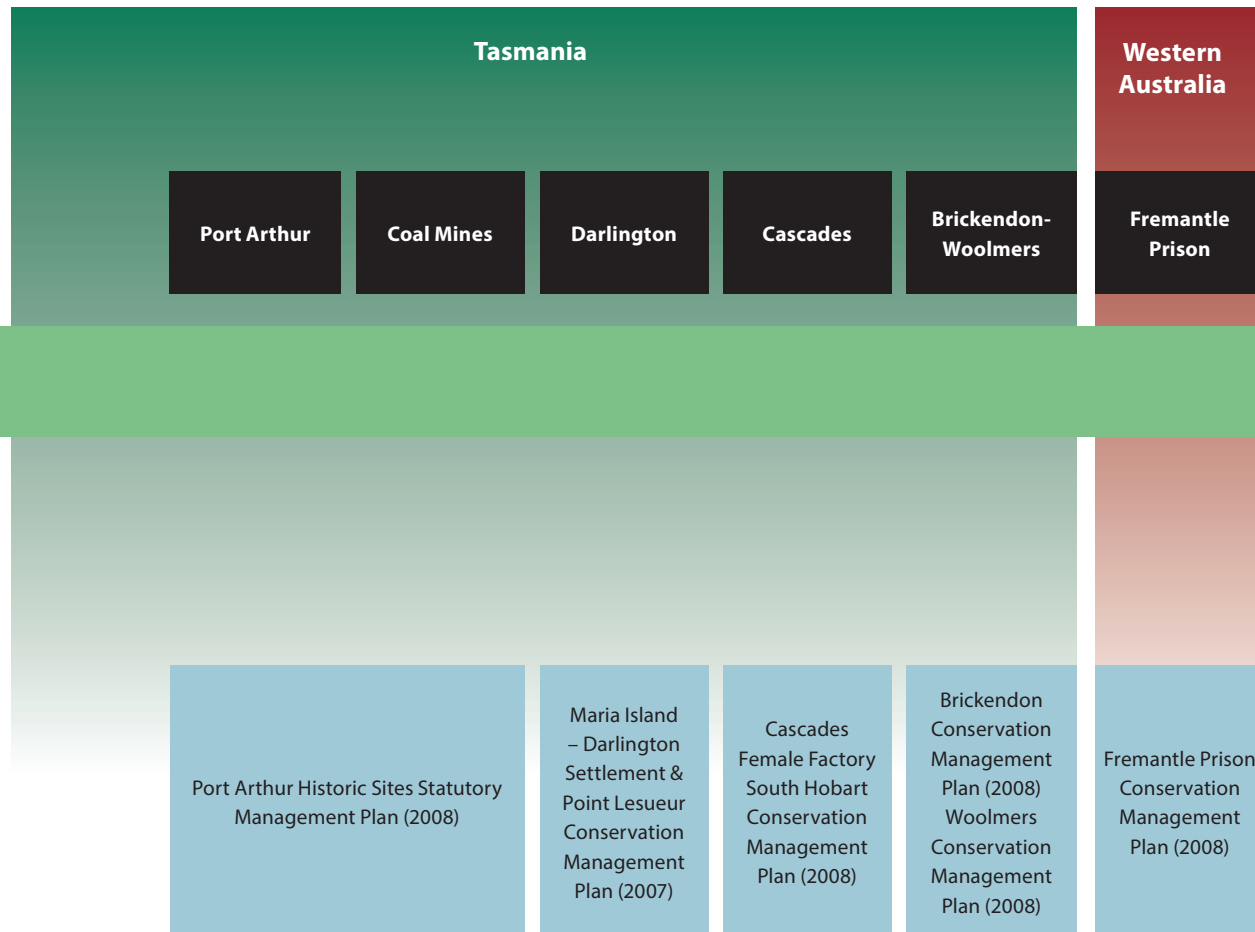




Figure 3: Governance Arrangements

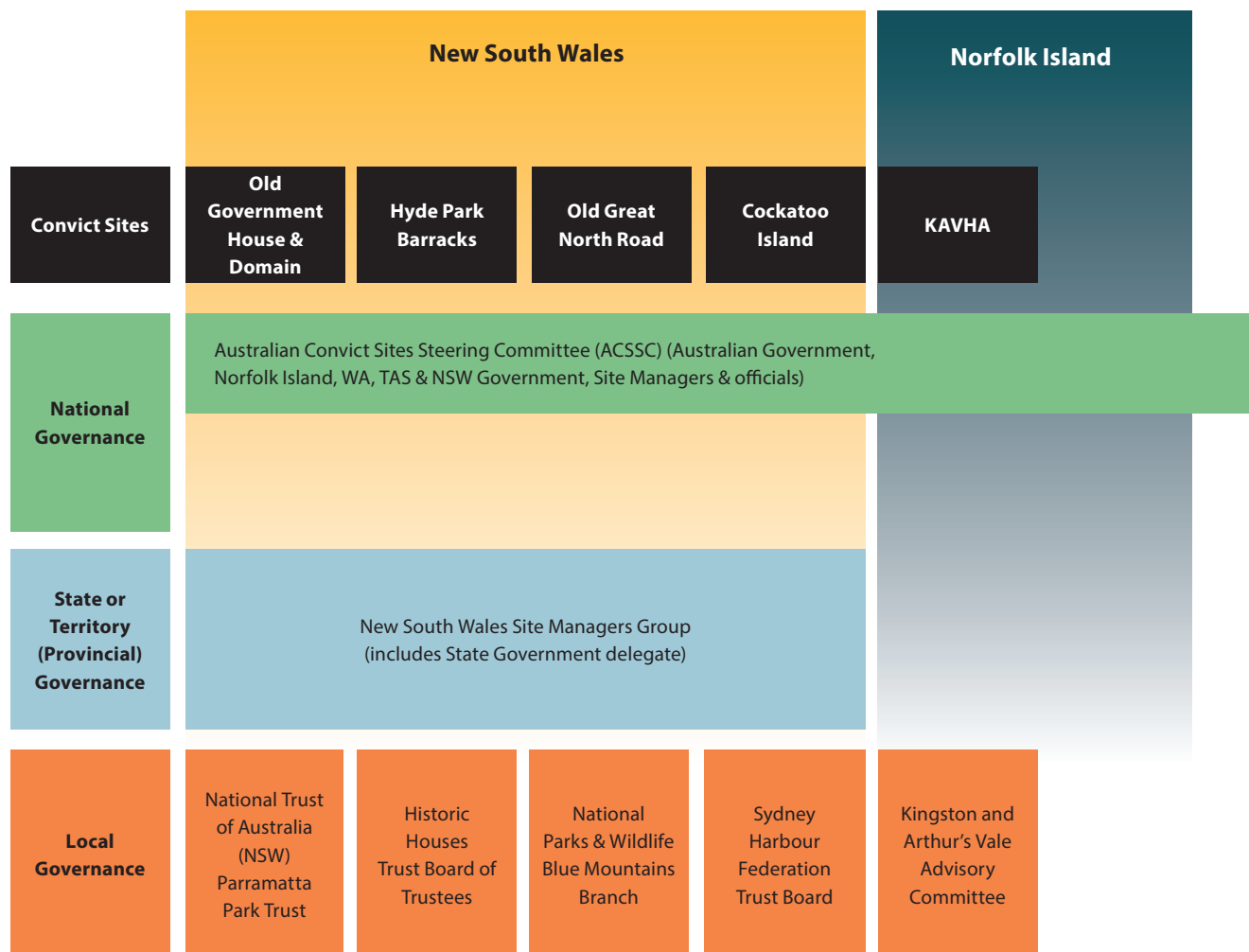
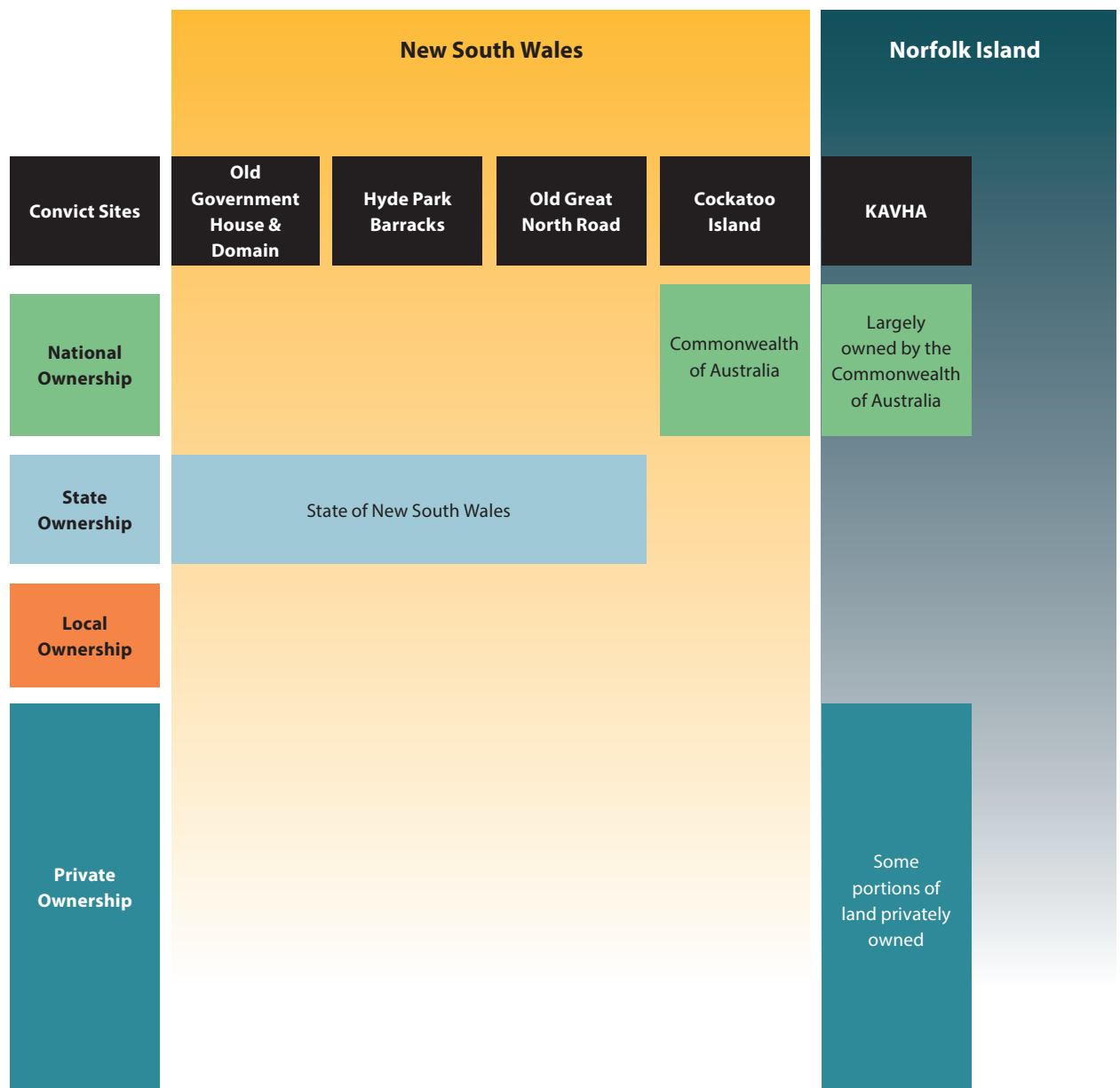






Figure 4: Ownership Matrix





Tasmania

Port Arthur

Coal Mines

Darlington

Cascades

Brickendon-
Woolmers

State of Tasmania

Brickendon
Estate is
Privately
owned and
occupied by
the Archer
family.

Woolmers
Estate is owned
by Woolmers
Foundation Inc.

Western Australia

Fremantle
Prison

State of
Western Australia



Implementation and review

Implementation of this Framework is the responsibility of Australian Convict Sites Steering Committee (ACSSC). The ACSSC is made up of representatives from the relevant jurisdictions and component sites. The main functions of the ACSSC are to:

- encourage member sites to work collaboratively to protect, conserve and present the Outstanding Universal Value of the World Heritage Property
- develop collaborative strategies to help the Australian Convict Sites meet Australia's obligations under the World Heritage Convention
- provide advice and recommendations to the Commonwealth and State Governments on any issues that may impact the Australian Convict Sites Outstanding Universal Value
- engage in positive advocacy with governments and stakeholder groups to raise the profile of the Australian Convict Sites World Heritage Property and World Heritage in general.

In addition to the Framework, the work of the ACSSC is guided by several documents including the *ACSSC Meeting and Membership Guidelines (2017)*, *ACSSC Strategic Plan*, *ACSSC Annual Workplans*, and *ACS Corporate Identity Guidelines*.

Responsibility for implementing the management plans for the individual places rests with the relevant State and Australian Government agencies and the established governing bodies. Implementation will depend on the provision of adequate resources by the relevant jurisdictions.

The Framework will be current for seven years from the date of its approval by the signatories and will be reviewed after five years. A seven-year timeframe has been selected for medium-term planning to provide a realistic period within which the management responses can be implemented and their effectiveness evaluated. In addition the review will identify reasons for lack of achievement or implementation; assess new information that might affect management; and propose changes and new management actions where appropriate.

Each of the existing management plans for the individual places will undergo a review process within seven years of their approval. One aim is to ensure the plans reflect the duties and obligations of signatories to the World Heritage Convention and to support cooperative management at strategic policy and operational levels. The reviews also provide an opportunity to incorporate any changes in international best practice on conservation and management.



Main cell block in the early evening, Fremantle Prison (former) (Department of the Environment and Energy)



APPENDIX 1

Environment Protection and Biodiversity Conservation Regulations 2000 – Schedule 5

Australian World Heritage management principles ([Regulation 10.01](#))

1 General principles

1.01 The primary purpose of management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the World Heritage values of the property.

1.02 The management should provide for public consultation on decisions and actions that may have a significant impact on the property.

1.03 The management should make special provision, if appropriate, for the involvement in managing the property of people who:

- (a) have a particular interest in the property; and
- (b) may be affected by the management of the property.

1.04 The management should provide for continuing community and technical input in managing the property.

2 Management planning

2.01 At least one management plan should be prepared for each declared World Heritage property.

2.02 A management plan for a declared World Heritage property should:

- (a) state the World Heritage values of the property for which it is prepared; and

- (b) include adequate processes for public consultation on proposed elements of the plan; and
- (c) state what must be done to ensure that the World Heritage values of the property are identified, conserved, protected, presented, transmitted to future generations and, if appropriate, rehabilitated; and
- (d) state mechanisms to deal with the impacts of actions that individually or cumulatively degrade, or threaten to degrade, the World Heritage values of the property; and
- (e) provide that management actions for values, that are not World Heritage values, are consistent with the management of the World Heritage values of the property; and
- (f) promote the integration of Commonwealth, State or Territory and local government responsibilities for the property; and
- (g) provide for continuing monitoring and reporting on the state of the World Heritage values of the property; and
- (h) be reviewed at intervals of not more than 7 years.

3 Environmental impact assessment and approval

3.01 This principle applies to the assessment of an action that is likely to have a significant impact on the World Heritage values of a property (whether the action is to occur inside the property or not).

3.02 Before the action is taken, the likely impact of the action on the World Heritage values of the property should be assessed under a statutory environmental impact assessment and approval process.

3.03 The assessment process should:

- (a) identify the World Heritage values of the property that are likely to be affected by the action; and



- (b) examine how the World Heritage values of the property might be affected; and
- (c) provide for adequate opportunity for public consultation.

- 3.04** An action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.
- 3.05** Approval of the action should be subject to conditions that are necessary to ensure protection, conservation, presentation or transmission to future generations of the World Heritage values of the property.
- 3.06** The action should be monitored by the authority responsible for giving the approval (or another appropriate authority) and, if necessary, enforcement action should be taken to ensure compliance with the conditions of the approval.



Old Great North Road (Department of the Environment and Energy)



Front Hall, Old Government House and the Government Domain (Department of the Environment and Energy)

