



Meander Valley Council  
Working Together

# **ORDINARY MINUTES**

**COUNCIL MEETING**

**Tuesday 9 March 2021**

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Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 9 March 2021 at 3.00pm.

## PRESENT

Mayor Wayne Johnstone, Deputy Mayor Michael Kelly, Councillors Susie Bower, Stephanie Cameron, Tanya King, Frank Nott, Andrew Sherriff, Rodney Synfield and John Temple.

## APOLOGIES

Nil

## IN ATTENDANCE

John Jordan, General Manager  
Merrilyn Young, Executive Assistant  
Jacqui Parker, Governance Coordinator  
Dino De Paoli, Director Infrastructure Services  
Matthew Millwood, Director Works  
Krista Palfreyman, Director Development & Regulatory Services  
Natasha Whiteley, Team Leader, Planning  
Leanne Rabjohns, Town Planner  
Laura Small, Town Planner  
Jarred Allen, Team Leader, Engineering

## 38/2021 CONFIRMATION OF MINUTES

Councillor King moved and Councillor Nott seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 9 February 2021, be received and confirmed.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

## 39/2021 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Date	Items discussed:
23 February 2021	<ul style="list-style-type: none"> <li>• Presentation – Simmons Wolfhagen</li> <li>• NTDC Update</li> <li>• Future of Meander Primary School</li> <li>• Communications Calendar</li> <li>• For Noting a) Vandalism Reduction Policy Review b) Annual Plan update – Minor amendments to KPI's c) Public Interest Disclosure Procedures</li> </ul>
2 March 2021	<ul style="list-style-type: none"> <li>• Introduction of new staff</li> <li>• Blackstone Heights/Prospect Vale – Structure Plan update current and future developments</li> <li>• Business &amp; Economic Recovery – Business Engagement Program</li> <li>• Building Better Region Fund – Short Walks</li> <li>• Business &amp; Economic Recovery</li> <li>• LGAT General Meeting</li> <li>• Revisiting Council Motion 16/2017 – "Removal of the 'Mountain Man'"</li> <li>• Communications Calendar</li> </ul>

## 40/2021 ANNOUNCEMENTS BY THE MAYOR

### **Friday 19 February 2021**

Regional Collaboration Framework - NTDC

### **Tuesday 23 February 2021**

Council Workshop

### **Sunday 28 February 2021**

Purple for Prostate – Opening of Happy Memories Garden

### **Monday 1 March 2021**

Meeting with Deloraine Football Club

## 41/2021 ANNOUNCEMENTS BY COUNCILLORS

### Councillor Susie Bower

#### **2 February 2021**

Council Workshop  
Carrick Hall Committee Meeting

#### **3 February 2021**

Blackstone Heights Community Meeting

#### **9 February 2021**

Council Meeting

#### **20 February 2021**

Westbury Flower Show

#### **23 February 2021**

Council Workshop

#### **28 February 2021**

Purple for Prostate – Opening of Happy Memories Garden  
Trusted Smiles Opening

#### **2 March**

Council Workshop  
Carrick Hall Committee Meeting

### Councillor Stephanie Cameron

#### **2 February 2021**

Council Workshop

#### **9 February 2021**

Council Meeting

#### **10 February 2021**

Chudleigh Hall Committee Meeting

#### **23 February 2021**

Council Workshop

## **28 February 2021**

Purple for Prostate – Opening of Happy Memories Garden  
Entally Gardenfest

## **2 March 2021**

Council Workshop

### **42/2021     DECLARATIONS OF INTEREST**

Nil

### **43/2021     TABLING AND ACTION ON PETITIONS**

Nil

### **44/2021     PUBLIC QUESTION TIME**

#### **1.     PUBLIC QUESTIONS TAKEN ON NOTICE – FEBRUARY 2021**

Nil

#### **2.     PUBLIC QUESTIONS WITH NOTICE – MARCH 2021**

##### **2.1     *Emma Hamilton, Westbury***

With reference to the questions I asked last month about the "media release" that Council published about the Meander Valley Gazette, I note that accuracy in reporting has been identified as an issue that "Council" are concerned about. I also note that the General Manager acted without the knowledge of some, or all, of our elected representatives. Considering Council (and the General Manager) are concerned about accuracy in reporting, I bring to your attention that Mayor Johnston has never formally retracted his statement made in The Examiner, 30th September 2019, where he said he "believed about 70% of the local community was in favour of the prison being built while about 30% were opposed to the idea."

Given the Mayor has since acknowledged the majority of residents in Westbury are against a prison being built here (January 2020 MVC Ordinary Meeting), it seems that the only procedurally correct thing to do would be for a proper retraction to be issued immediately - particularly if Council is looking to take action against others for alleged inaccuracies.

My question is: When will the General Manager ask Mayor Johnston to properly and formally retract his inaccurate comments made about the Prison project?

**Response by John Jordan, General Manager:**

***The language used by the Mayor is clearly identifiable as opinion and speculative as evidenced by terms including 'believes' and 'about'. The General Manager will not be requesting a retraction.***

## 2.2 Sean Manners, Westbury

Marneys Hill Reserve is part of the National Reserve Estate. Under the Interim Planning Scheme 2013, it appropriately had a priority habitat overlay.

My understanding is that when the new Local Provisions Schedule comes into effect, the land will be zoned Agricultural and the Natural Assets Code will have no application, which seems to be an anomaly in the following circumstances.

Firstly, the land stands to be zoned as Agricultural despite being deliberately excluded from the Agricultural Land Mapping Project undertaken by the Department of Justice in 2017. It was excluded on the basis that it formed part of the Tasmanian Reserve Estate.

Secondly, the land enjoys a priority habitat overlay under the Interim Scheme partly because it is part of the Tasmanian Reserve Estate (which is in turn part of the National Reserve Estate administered by the Commonwealth Government).

Thirdly, the Commonwealth Government has only recently confirmed in writing its interest in the natural values of this land being protected in light of its inclusion in the National Reserve Estate. I understand that the Local Provisions Schedule will come into effect in coming months.

- a) In light of the above, will the Council through its Senior Strategic Planner take any steps (such as recommending an amendment of the LPS) to correct what is clearly a mistake in terms of the recognition of the importance of this land for its natural values and as habitat for threatened species?
- b) If such a recommendation is not thought appropriate, why not?

**Response by Jo Oliver, Senior Strategic Planner:**

- a) The land is classified as an 'Informal reserve under other public land' under the Tasmanian Reserve Estate. The reserve classification is not***

- b) based on conservation and allows for primary or extractive industry to be undertaken.**

**The Agriculture Zone does preclude application of the Natural Assets Code – Priority Vegetation Area under the Tasmanian Planning Scheme, however clearance of Threatened Native Vegetation Communities are still assessed under the Forest Practices Act 1985 as they defined as 'vulnerable land' and threatened species values are listed under the Federal Environment Protection and Biodiversity Conservation Act 1999, which also requires a permit for land clearance if threatened species are impacted by land clearance.**

- c) Given the site has been identified by the Tasmanian Government as the site of future application to establish a Northern Prison, it is not appropriate to commence a planning scheme amendment to rezone the land to an alternative zone at this stage. Qualified assessment and reporting on the natural values of the site will be undertaken for the Tasmanian Government application, which will provide appropriate detail and guidance on whether the land should be rezoned to a zone other than Agriculture Zone.**

### 2.3 Martin Hamilton, Westbury

In the public statement made by the Council on 8th February 2021, the Council states that Council is aware that "members of the community" have raised concerns around the "accuracy and apparent bias of the Gazette". This apparently formed the justification for the Council making its public statement.

Given her comments in support of the public statement on Facebook, could the General Manager advise whether Ms Sarah Crundall was one person whose concerns were taken into account in the General Manager deciding to take this course?

#### **Response by John Jordan, General Manager:**

**Council's public statement was in response to long standing concerns about inaccurate reporting and the refusal by the Meander Valley Gazette to correct the public record. Ms Crundall was not involved or an influence on the decision to make the post.**

## 2.4 Linda Poulton, Westbury

The State Government has publicly stated that it intends to submit its application for the prison in the form of a combined rezone/permit application.

- a) Could the Council, through its Senior Strategic Planner, advise whether in her view it would be possible to split the application process into a PPZ application followed by a development application later or whether this would be impractical from a planning perspective?
- b) Could the Council, through its Senior Strategic Planner, please provide a list of the types of reports/surveys etc. that it will require from the State Government in order for the Council to be in an informed position to consider the State Government's PPZ application?

### **Response by Jo Oliver, Senior Strategic Planner:**

- a) ***Council's understanding is that it is the intention of the Tasmanian Government to apply for a rezoning of land only, to a Particular Purposes Zone to provide for the future development of a prison. The Particular Purposes Zone would provide for a future development application to be made for the use and development of the prison after the change of zoning is in place. This is normal practice for rezoning of land, despite the Land Use Planning & Approvals Act 1993 enabling a combined application to be made for a rezoning of land and a permit for development.***
- b) ***A comprehensive list of reports required for any future application for a planning scheme amendment cannot be given at this stage as no application has been submitted. The nature of supporting documentation required for any application for a planning scheme amendment is dependent upon the particular circumstances of that application which can only be determined once that application is received. However, the Land Use Planning & Approvals Act 1993 requires that an application for a planning scheme amendment must:***
  - ***describe the site and the surrounding uses;***
  - ***provide a full description of the proposed amendment and an analysis of the operational effect of any change in zoning and/or any provisions to be inserted into the planning scheme;***
  - ***be supported by strategy, particularly the Regional Land Use Strategy of Northern Tasmania;***
  - ***as far as practicable, avoid the potential for land use conflicts;***

- **have regard to the impacts of the proposal on the use and development of the region in environmental, economic and social terms;**
- **demonstrate that the amendment does not revoke or amend overriding local provisions or common provision of the Scheme;**
- **demonstrate that the proposal is in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993;**
- **demonstrate that the amendment furthers the objectives set out in Schedule 1 of the Act;**
- **have regard to the Council's strategic plan; and**
- **consider the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.**

**The Planning Authority has 28 days following receipt of an application to request additional information that it considers is necessary to undertake an assessment.**

#### 2.4 Alex Gorman, Westbury

What is the legal and ethical position of a potential state political candidate voting on matters in council relating to the Northern Regional Prison. Would this be regarded as bias?

**Response by John Jordan, General Manager:**

**The Local Government Act (1993) addresses conflict of interest and obligations of councillors. It is not Council's role to provide legal advice or speculate on the moral circumstance of a hypothetical circumstance.**

#### 2.5 Peter Wileman, Westbury

In the public statement made by the Council on 8<sup>th</sup> February 2021, the Council states that Council is aware that "members of the community" have raised concerns around the "accuracy and apparent bias of the Gazette". This apparently formed the justification for the Council making its public statement.

Could the General Manager please advise how many members of the community within the Meander Valley municipality had raised this as an issue with the Council in writing?

**Response by John Jordan, General Manager:**

**Council 'awareness' is through other social media and mainstream press including the Meander Valley Gazette. Concerns regarding the accuracy and apparent bias of reporting were raised in a letter to the editor published in the February 2021 edition of the Gazette. Similar concerns were posted on a number of local social media sites including the Westbury Community Safety and Information and Northern Regional Prison Site Info pages.**

**3. PUBLIC QUESTIONS WITHOUT NOTICE – MARCH 2021**

Nil

**45/2021 COUNCILLOR QUESTION TIME**

**1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – FEBRUARY 2021**

Nil

**2. COUNCILLOR QUESTIONS WITH NOTICE – MARCH 2021**

Nil

**3. COUNCILLOR QUESTIONS WITHOUT NOTICE – MARCH 2021**

**3.1 Cr Frank Nott**

General Manager can you advise of any further staff resignations in the last fortnight?

**Response by General Manager John Jordan:**

**There have been 2 with the second taking effect in 3 months (May2021).**

**3.2 Cr John Temple**

a) Is there any update on the proposed prison since the last council meeting?

**Response by General Manager John Jordan:**

**No**

- b) With regard to the proposed prison, is my recollection correct that the State Government, a year or so ago, said that it would be up to Council to consider potential rezoning, that Council would not be rushed in considering this matter and that projects of state significance legislation would not be used?

**Question taken on Notice**

- c) As there is rumour in the community, is Council able to confirm that the assertions mentioned in my previous question still apply to the currently proposed location?

**Question taken on Notice**

- d) Is Council able to confirm if there is any substance to the belief (held in some quarters of the community) that, if Council accepts the proposed prison, that it will be offered by the State Government some other highly desirable project which will raise the prestige of the area?

**Response by General Manager John Jordan:**

***I am not aware of anything so the belief is simply speculative.***

- e) As a year has now passed since Council adopted Policy No. 91 - Climate Change Mitigation and Adaptation, would it be timely at the April meeting to receive a brief report as to its implementation together with initiatives planned for the coming year?

**Response by General Manager John Jordan:**

***Yes we are happy to do that.***

3.3 Cr Tanya King

- a) Has Council had a response to the letter to DPIPWE dated 20<sup>th</sup> January 2021?

**Response by General Manager John Jordan:**

***Yes we have.***

b) Could Council please make this response public?

**Response by General Manager John Jordan:**

***I see no reason why not.***

c) I wonder if the writer of the letter is aware that many of the affected landowners have hedges of another introduced species bordering their properties, providing refuge for the rabbits?

Is the writer also aware that shooting rabbits is prohibited on a great many residential blocks that are affected and that trapping is illegal?

**Response by General Manager John Jordan:**

***I am not able to comment on the awareness of the writer but the letter is silent on some of those issues.***

d) A recent publication from Biosecurity Tasmania indicated that there are no planned releases of Calicivirus for 2021. What measures, other than biological controls do these land owners have in order to control rabbit populations?

**Response by Mayor Wayne Johnston:**

***Cats.***

e) Amendments to the Cat Management Act commenced on 1<sup>st</sup> March 2021. Does Council have a response to these amendments?

**Response by General Manager John Jordan:**

***Not as yet. We are yet to consider it and will do so at the Council Workshop on 23 March 2021.***

f) Is Council aware that Meander Valley residents are still having dangerous encounters with Wild Fallow Deer on our roads.

**Response by Mayor Wayne Johnston:**

***Yes we are.***

3.4 Cr. Stephanie Cameron

Recently a ratepayer made comment to me that they thought council's public attendance restrictions at meetings was difficult to understand. Although the guidelines are printed on page 2 of the agenda, could the General Manager please provide some clarity around public attendance and also if any ratepayer has been denied attendance since the public gallery re opened in August?

**Response by General Manager John Jordan:**

**As highlighted by Cr Cameron, the requirements for meetings are outlined in Meeting Conduct on Page 2 of the Agenda. That procedure follows the limitations of this room, taking into account the physical dimensions of the table, which takes out a fairly substantial amount of room for social distancing. I am not aware of any member of the public that has been denied access as a consequence of these restrictions.**

3.5 Deputy-Mayor Michael Kelly

- a) Is Council aware of any Council employees, other than the General Manager, that has provided internal information relating to employee resignations to the Meander Valley Gazette?

**Response by General Manager John Jordan:**

**No.**

- b) Is there appropriate IT security in place for Council emails and if so is there any evidence to suggest that people outside of Council could have viewed confidential employee related information and provided that to the Meander Valley Gazette?

**Question taken on Notice.**

46/2021 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

## **PLANNING AUTHORITY ITEMS**

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

### **Strategic/Annual Plan Conformance**

Council has a target under the Annual Plan to assess applications within statutory timeframes.

### **Policy Implications**

Not applicable.

### **Legislation**

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

### **Risk Management**

Risk is managed by the inclusion of appropriate conditions on the planning permit.

### **Financial Consideration**

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

### **Alternative Recommendations**

Council can either approve the application with amended conditions or refuse the application.

### **Voting Requirements**

Simple Majority

**47/2021 1184A MOLE CREEK ROAD NEEDLES WITH  
ACCESS VIA 1275 MOLE CREEK ROAD  
CHUDLEIGH**

The Mayor invited Mr Nick Cramp and Mr George Walker to address Council regarding this agenda item.

**Planning Application:** PA\21\0176

**Proposal:** Dwelling & Agricultural Buildings (x 5)

**Author:** Leanne Rabjohns  
Town Planner

**1) Recommendation**

**It is recommended that the application for Use and Development for Dwelling and Agricultural Buildings (x5) on land located at 1184A Mole Creek Road, Needles (CT:48432/1) with access via 1275 Mole Creek Road, Chudleigh (CT:171573/1) by 6ty Pty Ltd, be REFUSED, for the following reasons:**

1. The proposal does not satisfy Clause 26.3.2 P1.1 (a) in that a dwelling is not integral and subservient to resource development, and (b) that the land could be used in conjunction with adjacent farming land; and
2. The proposal does not satisfy Clause 26.4.1 P2 as it is likely to constrain adjoining primary industry operations.

**DECISION:**

Cr Kelly moved and Cr King seconded ***“that the application for Use and Development for Dwelling and Agricultural Buildings (x5) on land located at 1184A Mole Creek Road, Needles (CT:48432/1) with access via 1275 Mole Creek Road, Chudleigh (CT:171573/1) by 6ty<sup>o</sup> Pty Ltd, be REFUSED, for the following reasons:***

1. ***The proposal does not satisfy Clause 26.3.2 P1.1 (a) in that a dwelling is not integral and subservient to resource development, and (b) that the land could be used in conjunction with adjacent farming land; and***

2. ***The proposal does not satisfy Clause 26.4.1 P2 as it is likely to constrain adjoining primary industry operations.***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Synfield and Temple voting for the motion and Cr Sherriff voting against the motion.***

*Comment by Councillor Tanya King*

Typically, I would be supportive of value adding and primary production in such a location. In this instance, I am aware, that council staff have worked with the applicant in order to find an acceptable solution by moving the proposed buildings to alternate sites on the property, however these offers have not been taken up. Therefore, I am happy to support the officer's recommendation.

## 48/2021 URBAN STORMWATER SYSTEM ACTION PLAN

**AUTHOR:** Jarred Allen  
Team Leader, Engineering

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### 1) Recommendation

***It is recommended that Council endorse the Urban Stormwater System Action Plan as presented as per Attachment A.***

### DECISION:

Cr Bower moved and Cr Kelly seconded ***“that Council endorse the Urban Stormwater System Action Plan as presented as per Attachment A.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

**URBAN STORMWATER SYSTEM ACTION PLAN  
ATTACHMENT A : PRIORITY ACTIONS**

**1. Urban Stormwater Systems**

Urban Area	Stormwater System
Blackstone Heights	Longvista Drive Columbus Drive Bayview Drive (east) Baker Court Bayview Drive (west) Lakeview Court Blackstone Road (north) Blackstone Road (south) Blackstone Road (east) Neptune Drive Glover Avenue Panorama Road (south) Panorama Road (north)
Bracknell	Jane Street Elizabeth Street Louisa Street Western System
Carrick	Simmons Street Meander Valley Road (east) Meander Valley Road (west) Percy Street (east)
Chudleigh	Sorell Street Burnett Street Jones Street Gardner Street
North East Deloraine	Emu Bay Road West Parade Winter Street (east) Weston Street (east) Winter Street (west) Weston Street (west) West Barrack Street (large) Tower Hill Street West Barrack Street (small) Parsonage Street Westbury Place

Urban Area	Stormwater System
North West Deloraine	West Church Street West Goderich Street West Parade Street Stagg Court Tower Hill Street Beefeater Street Weston Street Johnstone Lane Jordan Place Nutt Street
South Deloraine	Railway Street Grigg Street East Westbury Place East Barrack Street East Church Street East Goderich Street Pultney Street Meander Valley Road
North East Hadspen	Winton Fields Court Bowdens Road Meander Valley Road South Esk Drive Main Street
South West Hadspen	Roebourne Avenue Cook Street Main Street Reibey Street Browne Street Foote Street Scott Street
Hagley	Western Channel Northern Channel Meander Valley Road
East Prospect Vale	Kate Reed Drive Lomond View Drive Mountain View Court Hutton Court Chris Street Donalds Avenue
North Prospect Vale	Mount Leslie Road Holyman Drive Wakefield Place

Urban Area	Stormwater System
	Willow Lane
North West Prospect Vale	Country Club Avenue Cheltenham Way Somerset Place Molecombe Drive Nicole Court Mount Leslie Road McRae Place Gordon Place Casino Rise (south) Casino Rise (north)
South West Prospect Vale	Sherwood Close Country Club Avenue Andrews Circle Oakmont Way Harley Parade (east) Harley Parade (west)
East & South Westbury	East Westbury South Westbury
North Westbury	North Westbury Quamby Street William Street Franklin Street Alison Court Jones Street Meander Valley Road King Street Marriott Street Taylor Street (south)
North West Westbury	King Street Mary Street Meander Valley Road George Street

Table 1: List of Urban Stormwater Systems

## 2. **Council Priority Actions**

### 2.1 **Council Priority – Very High**

#### 2.1.1 North Westbury – North Westbury

<b>Action ID</b>	<b>Action</b>	<b>Priority</b>	<b>CAPEX / OPEX</b>	<b>Relative Cost</b>
01	Ensure the flood footprint is incorporated into MVCs Flood Prone Area mapping and considered in planning decisions.	High	OPEX	Very Low
02	Survey the channel crossings and culverts between Meander Valley Road and William Street. Incorporate them into the model.	High	OPEX	Low
03	Remodel the catchment with changes to the drainage channel in Lot 1 William Street.	High	OPEX	Low
04	Consider upgrading the main drainage channel; create floodway, detention and upgrade of open drain up and downstream of Marriot Street.	High	CAPEX + Land Acquisition	High

Table 2. Very High Priority Actions for North Westbury in the North Westbury Stormwater System.

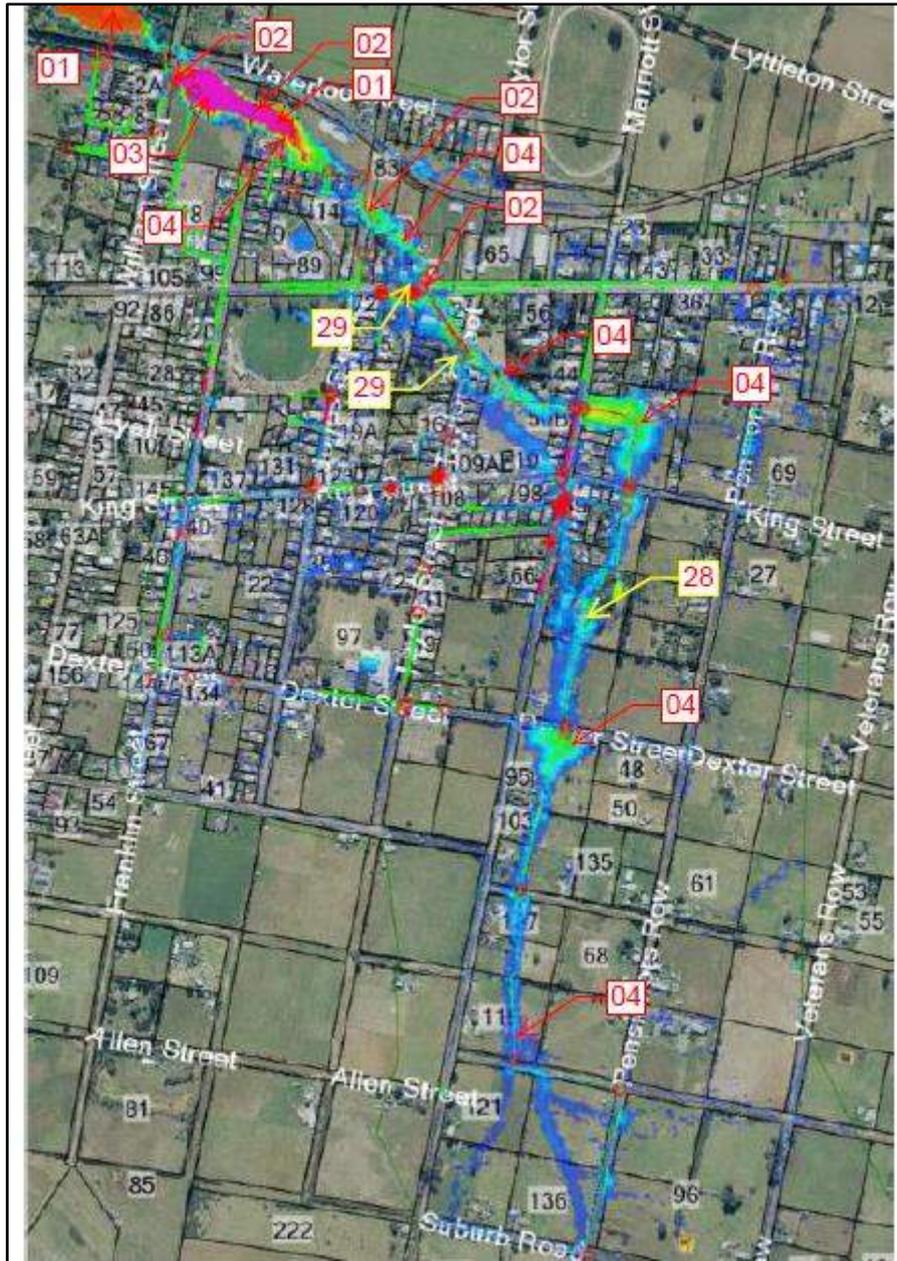


Figure 1. North Westbury – North Westbury Stormwater System 1% AEP.

2.1.2 North East Deloraine – West Parade

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
05	Undertake inspections of the culvert inlets and outlets at Beefeater Street, Tower Hill Street, No. 7 West Parade, and the river. Undertake works as required to ensure hydraulic efficiency and	High	OPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	reduce the risk of blockage. Consider upgrades, such as the installation of headwalls as required.			
06	Consider the installation of a detention basin upstream of the Beefeater and West Barrack Street intersections.	High	CAPEX + Land Acquisition	High
07	Consider upgrades to the stormwater network and open drain downstream of the Beefeater and West Barrack Street intersection.	High	CAPEX	High
08	Review property connectivity with the stormwater system. Connect Properties directly to the network to reduce the amount of road flooding.	Moderate	CAPEX	Low / Moderate
09	Consider the realignment of the open drain or create a training levee/diversion wall north of the dwelling at No. 7 West Parade to prevent flooding of the dwelling.	Moderate	CAPEX	Low / Moderate

Table 3. Very High Priority Actions for North East Deloraine in the West Parade Stormwater System.

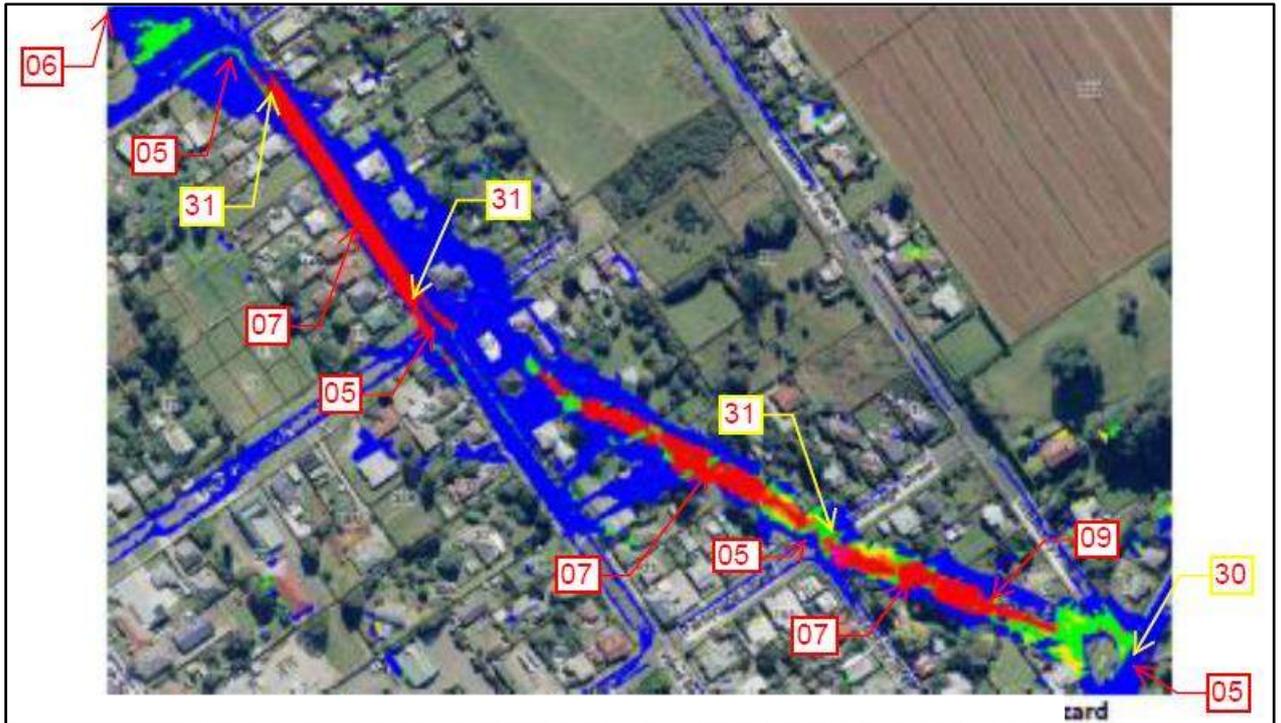


Figure 2. North East Deloraine – West Parade Stormwater System 1% AEP.

### 2.1.3 South Deloraine – Meander Valley Road

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
10	Undertake flood study of Bonneys Creek catchment to determine impacts on Tahara Corner, Meander Valley Road, and adjacent properties. This will enable flood plans to be generated for the extent of Bonneys Creek through Deloraine and consider influences on the creek from the Meander River.	High	OPEX	Low
11	Undertake investigations to confirm whether an outgoing pipe from the Meander Valley Road pipeline (model node No. 69) exists through to the lake on the northern side of the road. Update the model to reflect any	Medium	OPEX	Very Low / Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	changes.			

Table 4. Very High Priority Actions for South Deloraine in the Meander Valley Road Stormwater System.

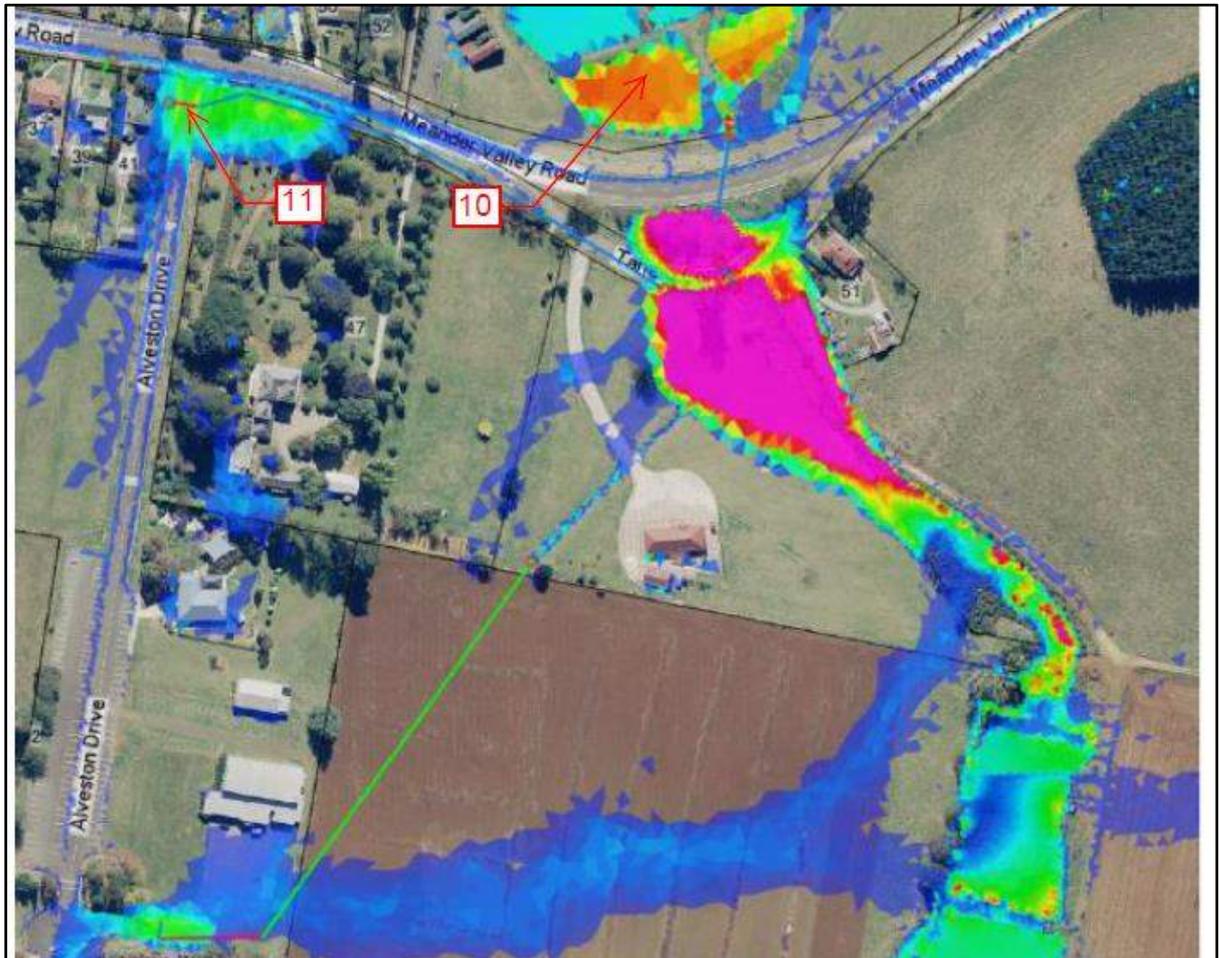


Figure 3. South Deloraine – Meander Valley Road Stormwater System 1% AEP.

#### 4.1.4 North West Prospect Vale – Country Club Avenue

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
12	Add the missing road pit/pipe data to model to determine if a reduction in road flooding is expected.	High	OPEX	Low
13	Consider upgrading road pits and pipework to Council Standards.	High	CAPEX	Moderate
14	Undertake additional modelling to determine	Moderate	OPEX	Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	the effects of the catchment upstream of the golf course dam.			

Table 5. Very High Priority Actions for North West Prospect Vale in the Country Club Avenue Stormwater System.



Figure 4. North West Prospect Vale – Country Club Avenue Stormwater System 1% AEP.

## 2.2 Council Priority – High

### 2.2.1 Blackstone Heights – Columbus Drive

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
15	Consider upgrading the un-grated SEP in the Bayview Drive cul-de-sac to Council standards. Also consider upgrading the DN225 and raising the driveway crossovers.	High	CAPEX	Moderate / High

Table 6. High Priority Actions for Blackstone Heights in the Columbus Drive Stormwater System.

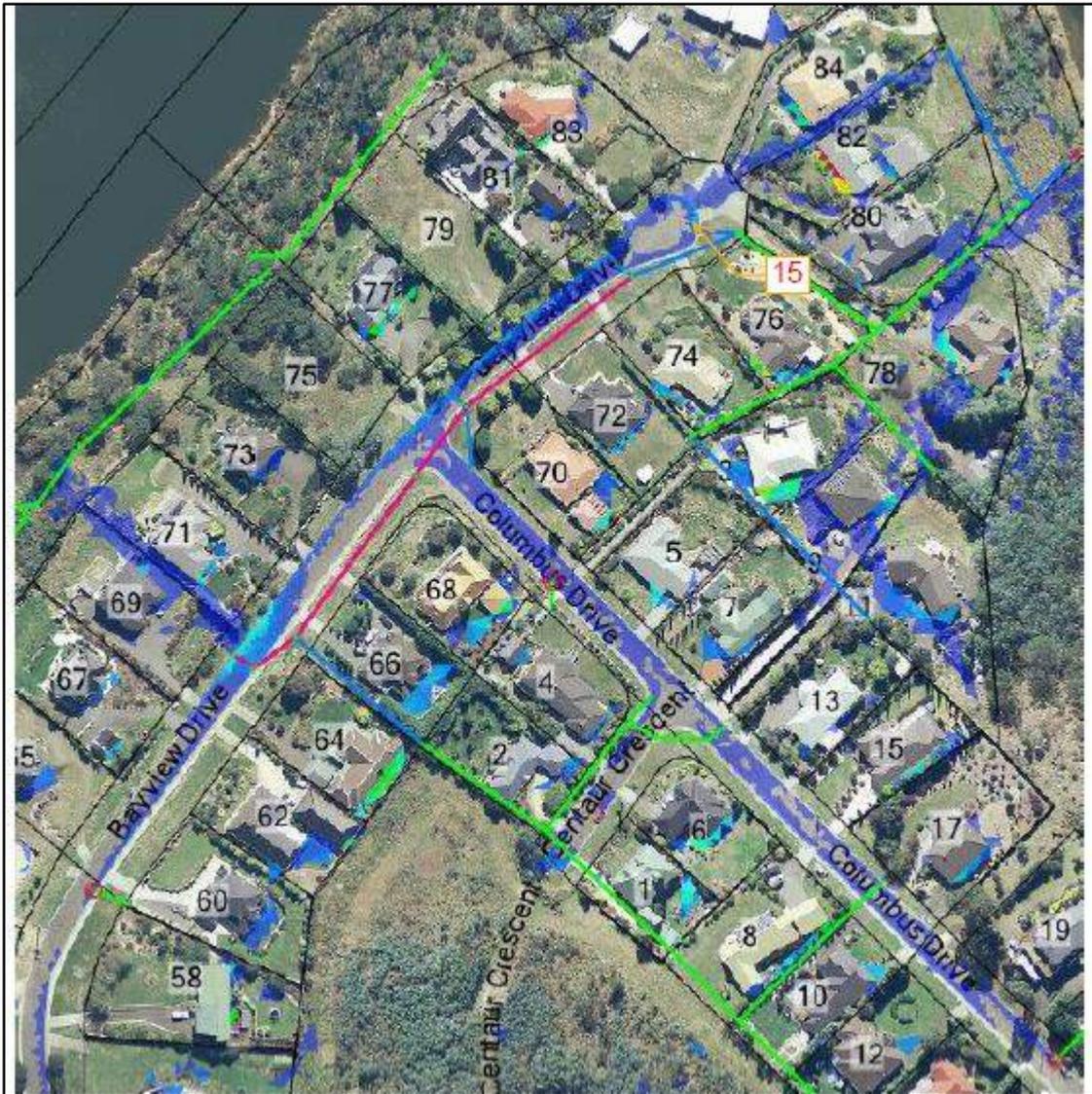


Figure 5. Blackstone Heights – Columbus Drive Stormwater System 1% AEP.

2.2.2 Blackstone Heights – Blackstone Road (south)

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
16	Inspect the inlet arrangement and open drain above No. 25 Blackstone Road. Update the model to accurately reflect arrangement. Ensure overflows from the drain and inlet are directed to Blackstone Road and not to the adjacent dwellings.	High	OPEX	Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
17	Consider upgrades to the DN450 culvert and the downstream open drain to ensure stormwater in the open drains is contained during 1% AEP.	High	CAPEX	Moderate

Table 7. High Priority Actions for Blackstone Heights in the Blackstone Road (south) Stormwater System.

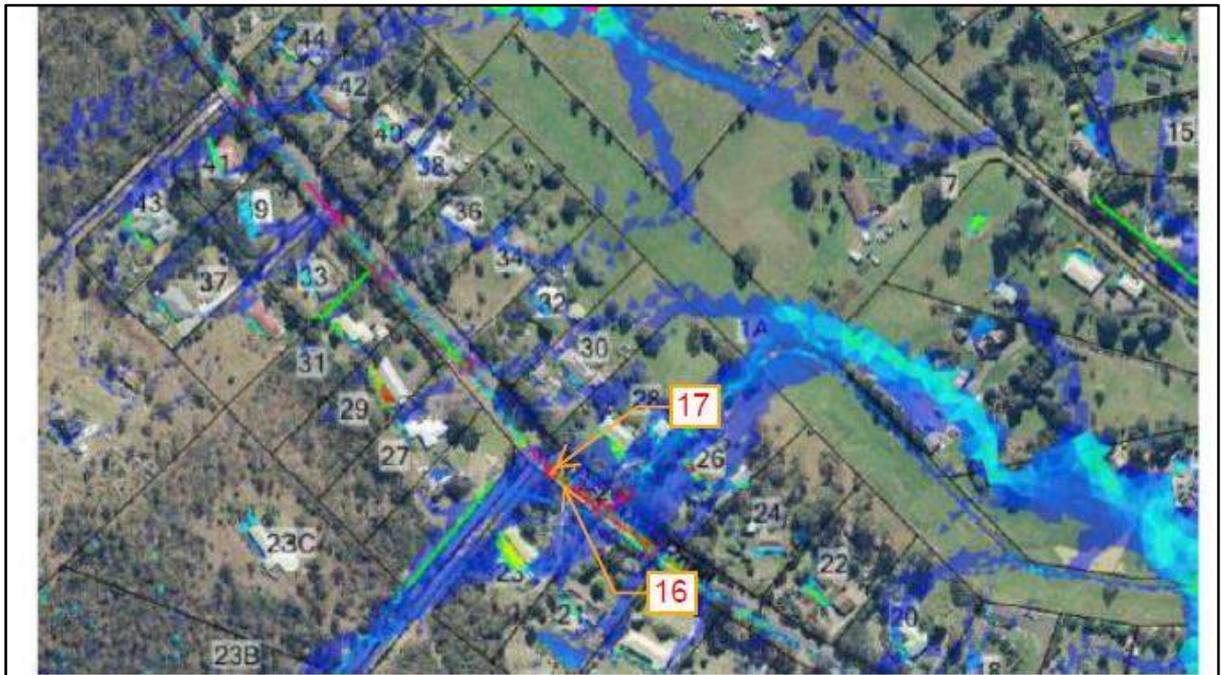


Figure 6. Blackstone Heights – Blackstone Road (south) Stormwater System 1% AEP.

#### 4.2.3 North East Deloraine – West Barrack Street (large)

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
18	Consider upgrading road pits to Council standard SEPs. Also consider upsizing the outlet to open drain.	High	CAPEX	Moderate
19	Update model to include the recent unit development at No. 9 Tower Hill Street, rerun and update risks and actions as	Medium	OPEX	Very Low / Low

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	required.			

Table 8. High Priority Actions for North East Deloraine in the West Barrack Street (large) Stormwater System.

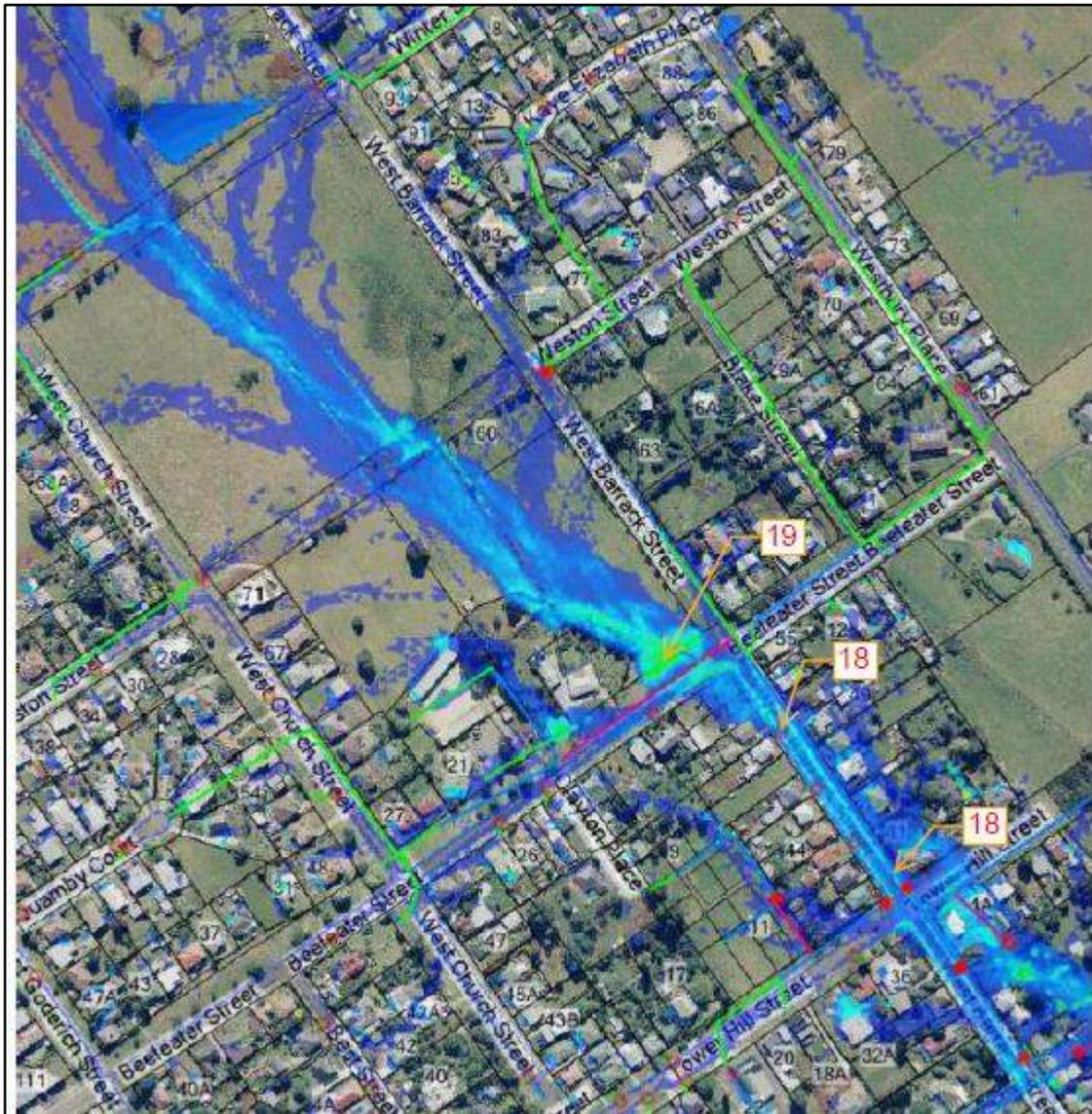


Figure 7. North East Deloraine – West Barrack Street (large) Stormwater System 1% AEP.

### 2.2.3 North West Deloraine – West Goderich Street

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
20	Investigate the history of flooding at Nos. 30 Parsonage Street and Nos. 12 and 14 West Goderich	High	OPEX – possible CAPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	Street. Consider raising kerb/crossovers, or installation of additional system capacity as required.			

Table 9. High Priority Actions for North West Deloraine in the West Goderich Street Stormwater System.



Figure 8. North West Deloraine – West Goderich Street Stormwater System 1% AEP.

#### 2.2.4 South Deloraine – Pultney Street

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
21	Inspect the southern end of the Deloraine Sports Centre to determine the risks of internal flooding from open drain breakout.	High	OPEX	Very Low / Low
22	Inspect the open drain downstream of the DN450 outlet to the north of the	High	OPEX	Low / Moderate

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
	Deloraine Primary School oval. Determine capacity and capability of the drain to pass design flows.			
23	Inspect the sag pits in Alveston Drive, check if inlet capacity improvements and/or pipeline upgrades are necessary.	Medium	OPEX	Low / Moderate
24	Collect additional data for incorporation into the model for suspected additional network pipes between Vista Court and Youd Court.	Low	OPEX	Very Low / Low

Table 10. High Priority Actions for South Deloraine in the Pultney Street Stormwater System.

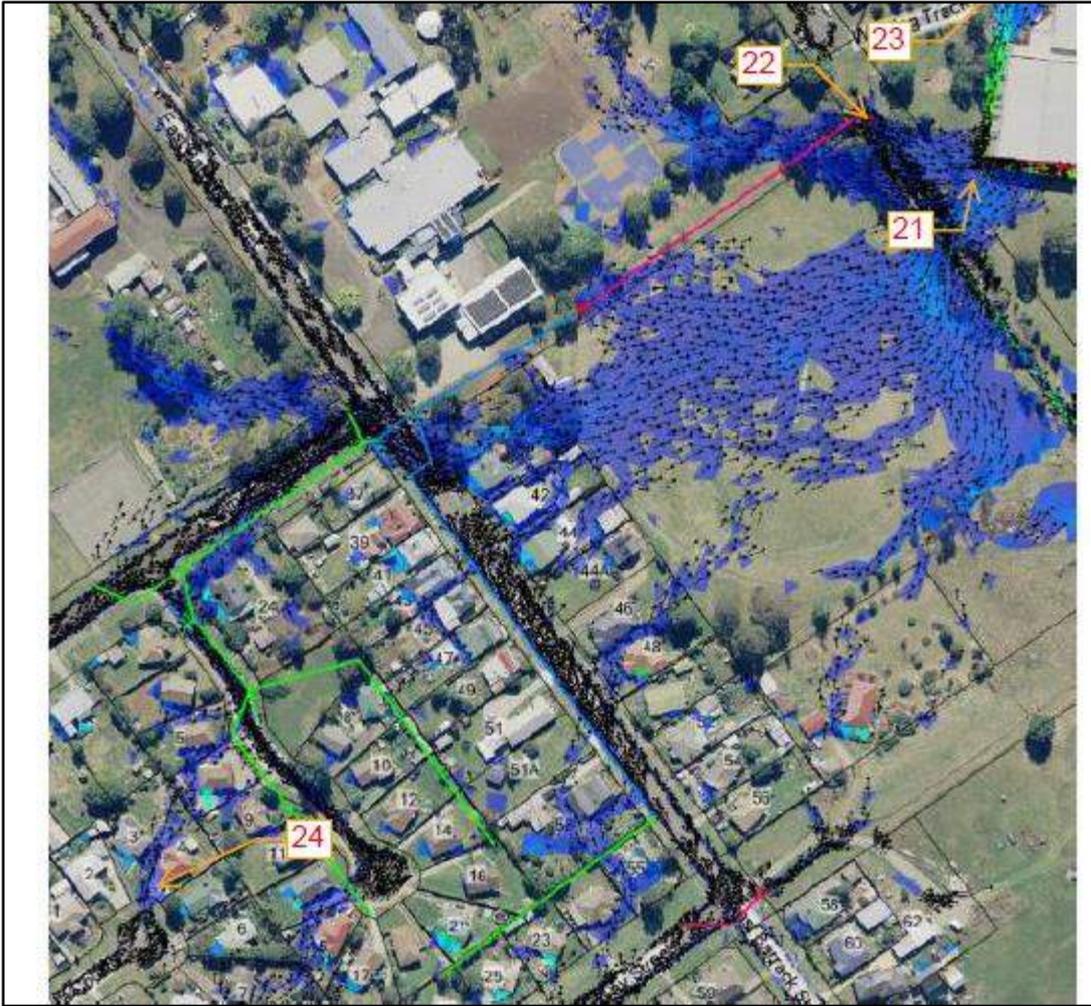


Figure 9. South Deloraine – Pultney Street Stormwater System 1% AEP.

2.2.5 North Prospect Vale – Willow Lane

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
25	Consider the safety of flooding across Willow Lane adjacent to the reserve. Consider upgrade of culverts and/or creation of a floodway.	High	CAPEX	Moderate

Table 11. High Priority Actions for North Prospect Vale in the Willow Lane Stormwater System.



Figure 10. North Prospect Vale – Willow Lane Stormwater System 1% AEP.

### 2.2.6 North East Hadspen – Bowdens Road

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
26	Consider the flood area upstream of the Meander Valley Road DN975 culvert, particularly in the context of the proposed development within its vicinity. Also consider the impacts of the new developed upon the Bowdens Road trunk main and greater stormwater system.	High	OPEX - possible CAPEX	Low

Table 12. High Priority Actions for North East Hadspen in the Bowdens Stormwater System.

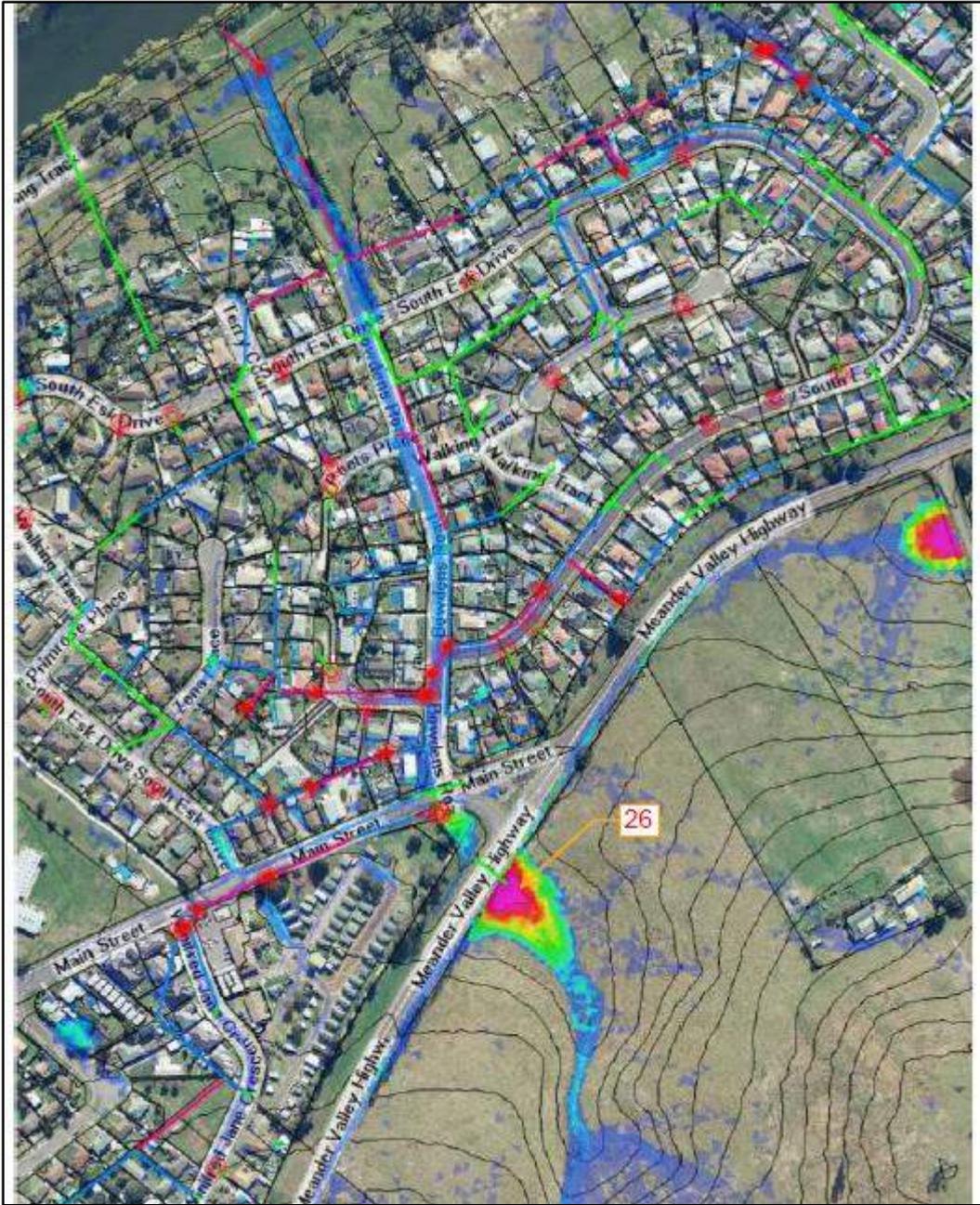


Figure 11. North East Hadspen – Bowdens Road Stormwater System 1% AEP.

2.2.7 North East Hadspen – South Esk Drive

Action ID	Action	Priority	CAPEX / OPEX	Relative Cost
27	Consider upgrading the network pipes and pits in the vicinity of Nos. 40 and 45 South Esk Drive.	High	CAPEX	Moderate

Table 13. High Priority Actions for North East Hadspen in the South Esk Drive Stormwater System.

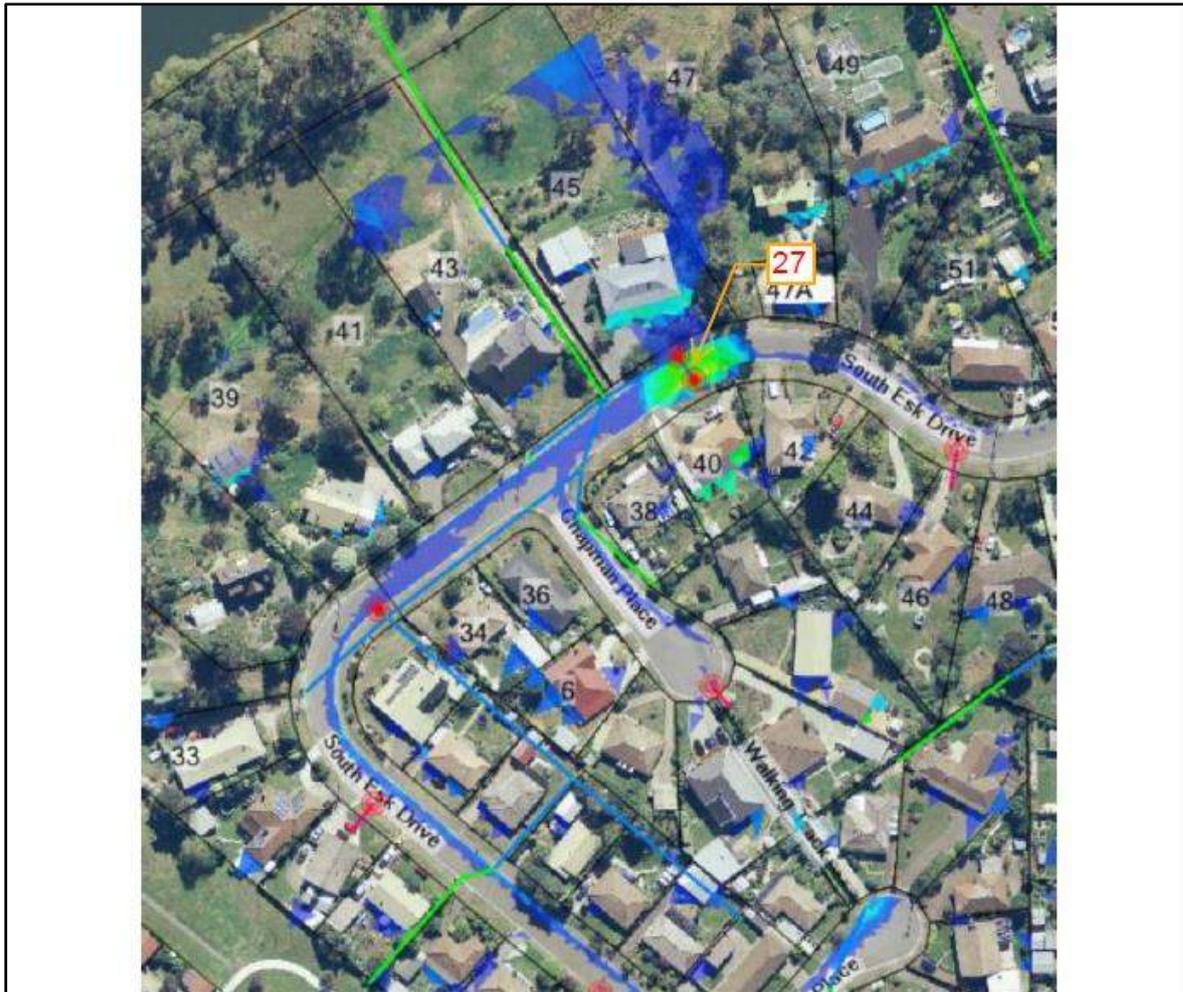


Figure 12. North East Hadspen – South Esk Drive Stormwater System 1% AEP.

### 2.3 Preliminary Schedule for Capital Works Projects

The below table provides a schedule for capital works over the next four years to address the recommended actions.

Action ID	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)
<i>Note: Action ID's 04 to 13 are considered very high priorities.</i>				
04	High Level Design	Detailed Design	Construction	
06	Design	Construction		
07	Design	Construction		
08	Design / Construction			
09	Design / Construction			
13	Design /Construction			
<i>Note: Action ID's 15 to 27 are considered high priorities.</i>				

Action ID	Year 1 (21/22)	Year 2 (22/23)	Year 3 (23/24)	Year 4 (24/25)
15		Design / Construction		
18		Design / Construction		
20		Design	Construction	
25		Design	Construction	
26		Design	Construction	
27		Design / Construction		
<i>Note: Action ID's 29 to 40 are considered medium priorities.</i>				
29			Design / Construction	
30			Design / Construction	
32			Design	Construction
34			Design / Construction	
36				Design
37			Design	Construction
38			Design / Construction	
40			Design	Construction

Table 14. Recommended capital works projects.

# 49/2021 2020-21 ANNUAL PLAN – DEPARTMENT UPDATES

**AUTHOR:** Jacqui Parker  
Governance Coordinator

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## 1) Recommendation

***It is recommended that Council receives and endorses updates to its Annual Plan, as highlighted in the Attachment.***

## DECISION:

Cr King moved and Cr Cameron seconded ***“that Council receives and endorses updates to its Annual Plan, as highlighted in the Attachment.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

## Strategic Plan Future Direction 1

### A sustainable natural and built environment

**1.1** Contemporary planning supports and guides growth and development across Meander Valley.

**1.2** Liveable townships, urban and rural areas across the local government area with individual character.

**1.3** The natural, cultural and built heritage of Meander Valley is protected and maintained.

**1.4** Meander Valley is environmentally sustainable.

**1.5** Public health and the environment is protected by the responsible management of liquid and solid waste at a local and regional level.

**1.6** Participate and support programs that improve water quality in our waterways.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Renew NRM Strategy.	1.3, 1.4, 1.6	Community & Development Services Works	Nil.	NRM review scheduled.	NRM strategy draft.	NRM strategy endorsed by Council.	NRM strategy renewed within timeframes.
2	Monitor and assess implementation of the Westbury Town Common Management Plan.	1.3, 1.4, 1.6	Community & Development Services Works	No breaches of permit conditions and condition of common maintained.	No breaches of permit conditions and condition of common maintained.	No breaches of permit conditions and condition of common maintained.	DPIPWE permit renewed and management plan requirements confirmed.	Practices consistent with management plan and condition of Common is stable or improved.
3	Design and implement initiatives from the NRM Strategy.	1.3, 1.4, 1.6	Community & Development Services Works	Nil.	Actions from current NRM strategy progressed and reported.	2017 NRM strategy close out report finalised.	New NRM strategy initiatives planned and costed for budget.	Completed within timeframes.
4	Westbury residential rezoning.	1.1	Governance	Progress rezoning.	Progress rezoning.	Progress rezoning.	Progress rezoning and report to Council.	Complete rezoning submission to the TPC and report to Council Workshop.
5	Undertake projects to support implementation of the Prospect Vale - Blackstone Heights Structure Plan including the Regional Land Use Strategy and planning scheme amendments.	1.1	Governance	Amendments progressed and reported to Council.	Report to Council workshop at key stages of RLUS and planning scheme amendment work.			
6	Assess individual planning scheme amendment applications as they arise.	1.1	Governance	Amendments assessed and managed within statutory timeframes.	Assess individual planning scheme amendment applications within statutory timeframes.			
7	Process development applications in accordance with delegated authority.	1.1, 1.2, 1.3	Community & Development & Regulatory Services	100% of applications completed on time.	Completed within statutory timeframes with 100% conformance.			
8	Permit Authority – issue permits for Building Works (Category 4).	1.1, 1.2, 1.3 (primary) 4.3 (secondary)	Community & Development & Regulatory Services	100% of applications completed within 7 days.	Issue building permits within 7 days from the date all other permits and documents are received as required by the Building Act.			
9	Permit Authority – process Notifiable Building Works (Category 3).	1.1, 1.2, 1.3	Community & Development & Regulatory Services	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	100% of applications completed within 7 days of receipt of all required information.	Notifiable Building Works processed in a timely manner.

## Strategic Plan Future Direction 1

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
10	Permit Authority – manage outstanding building completions and illegal works.	1.1, 1.2, 1.3	Community & Development & Regulatory Services	Baseline determined and reduction of numbers.	Outstanding building completions reduced by 10%.			
11	Permit Authority – issue permits for Plumbing Works (Category 4).	1.4	Community & Development & Regulatory Services	100% of applications completed within 21 days.	Process plumbing permit applications within 21 days of receipt of all information.			
12	Waste Management Strategy review and implementation.	1.5 (primary) 6.6 (secondary)	Infrastructure Services	Undertake options analysis and feasibility.	Strategy presented to Council.	Council approval of waste strategy.	Budget and implementation planning in place.	Present strategy to Council at December workshop.
13	Permit Authority – issue Notifiable Plumbing Works (Category 3).	1.4	Community & Development & Regulatory Services	100% of applications completed within 14 days.	Process Notifiable Plumbing Works within 14 days of receipt of all information.			
14	Manage Land Information Certificates.	1.1,1.2,1.3	Community & Development & Regulatory Services	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	100% of applications completed within 10 working days.	Issue certificates within 10 working days.

## Strategic Plan Future Direction 2

### A thriving local economy

**2.1** The strengths of Meander Valley attract investment and provide opportunities for employment.

**2.2** Economic development in Meander Valley is planned, maximising existing assets and investment in infrastructure.

**2.3** People are attracted to live in the townships, rural and urban areas of Meander Valley.

**2.4** A high level of recognition and demand for Great Western Tiers products and experiences.

**2.5** Current and emerging technology is available to benefit both business and the community.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Promote investment in Meander Valley to support the growth of identified industry sectors.	2.2	Governance	Identify opportunities and report on progress.	Brand strategy developed and approved by Council.	Prospectus developed and marketing for specific industry sectors in place.	Brand strategy and prospectus approved and budget submitted.	Meander Valley 'Brand' and regional prospectus developed.
2	Develop economic recovery pathways and establish industry-specific priority actions.	2.1, 2.3, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Industry support for at least two action plans.	Industry support for at least two action plans.	Industry support for at least two action plans.	Economic recovery action plans in place for key industries/sectors.
3	Establish economic development structure plans for each population centre.	2.1, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Deloraine economic and placemaking plan ready for consultation .	Deloraine economic and placemaking plan in place.	Westbury economic and placemaking plan ready for consultation .	Plans and community consultation in place.
4	Establish a structured list of investment vehicles and investment attraction policies.	2.1, 2.2, 2.3, 2.4, 2.5	Governance	Identify opportunities and report on progress.	Investment support package policy approved by Council.	Nil	Nil	Investment vehicles assessed and policies in place.
5	Establish a business media and communications plan.	2.1, 2.3, 2.4, 2.5	Governance	Nil.	Nil.	Draft plan and costing ready.	Plan approved by Council.	Plan in place.
6	Support the progress of land developments including Valley Central and the Hadspen Urban Growth Area.	2.2	Governance	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly report on progress, activity and issues.	Quarterly review, actions and reports.
7	Monitor and report monthly visitation statistics.	2.4	Corporate Services Governance	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Provide statistics in monthly Briefing Report.	Reports produced.

### Strategic Plan Future Direction 3 Vibrant and engaged communities

**3.1** Creativity and learning are part of daily life across the communities of Meander Valley.

**3.2** Successful local events enhance community life.

**3.3** Education and training opportunities are available to everyone across the local government area.

**3.4** Meander Valley communities have the resilience and capacity to address and overcome life's challenges and emergencies.

**3.5** Young people have the opportunity to be engaged in community life.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Facilitate the operation of Council pop up meetings.	3.4 (primary) 4.1 (secondary)	<del>Community &amp; Development Services</del> Governance	Nil, due to COVID-19.	Council 'pop ups' scheduled and delivered.  100% of actions from pop ups resolved.	Council 'pop ups' scheduled and delivered.  100% of actions from pop ups resolved.	Council 'pop ups' scheduled and delivered.  100% of actions from pop ups resolved.	Pop up meetings held and documented.
2	Deliver the Community Grants Program.	3.1, 3.2, 3.4 (primary) 4.1 (secondary)	<del>Community &amp; Development Services</del> Governance	Grants policy updated and approved by Council.  Grants round completed and funds distributed.  Number of applications received.	Grants round completed and funds distributed.  Number of applications received.	Grants round completed and funds distributed.  Number of applications received.	Grants round completed and funds distributed.  Number of applications received.	Number and range of grant applications.
3	Renew the events program responsive to COVID-19.	3.1, 3.2	<del>Community &amp; Development Services</del> Governance	Nil, due to COVID-19.	Nil, due to COVID-19.  Events sponsorship opportunity promoted.	Events strategy developed.  Events scheduled for quarter delivered.	Events scheduled for quarter delivered.	Events program approved and implemented.
4	Conduct GWTA Exhibition.	3.1, 3.2	<del>Community &amp; Development Services</del> Governance	Nil.	Exhibition promoted.	Exhibition delivered.	Nil.	Number of artists participating.
5	Conduct a Festival of Small Halls concert.	3.1, 3.2	<del>Community &amp; Development Services</del> Governance	Nil.	Nil.	Nil.	Festival of small halls delivered within budget.	Audience number and event finances.
6	Produce a user-friendly Event Management Guide.	3.2 (primary) 4.1, 4.3 (secondary)	<del>Community &amp; Development Services</del> Governance	Nil.	Nil.	Nil.	Guide drafted.	Guide approved.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
8	Coordinate major event applications.	3.2	<del>Community &amp; Development Services</del> Regulatory Services	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	100% of events applications responded to in 10 days.	Respond to applications within 10 days.
9	Conduct youth liaison workshop with Council.	3.4, 3.5	<del>Community &amp; Development Services</del> Governance	Nil	Nil	Nil	Youth liaison workshop conducted.	Workshop conducted and evaluated.
10	Prepare Volunteer Management Policy and Procedures.	3.1, 3.2, 3.3, 3.4 & 3.5 (primary) 4.1, 4.2 (secondary)	<del>Community &amp; Development Services</del> Governance	Nil	Nil	Policy and procedures approved.	Percentage of volunteer groups provided with training on policy and procedures.	Policy and procedures adopted. Number of volunteers trained.

## Strategic Plan Future Direction 4

### A healthy and safe community

**4.1** The health and wellbeing needs of all sectors in the community are planned, met and managed.

**4.2** Infrastructure, facilities and programs encourage increased participation in all forms of active and passive recreation.

**4.3** Public health and safety standards are regulated, managed and maintained.

**4.4** Prepare and maintain emergency management plans and documents and work with our communities to educate and plan for emergencies.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Coordinate the Municipal Emergency Management & Recovery Committee (MEMRC).	4.4	Infrastructure Services	Nil.	Chair six-monthly meeting.	Nil.	Chair six-monthly meeting.	Meetings held.
2	Support the operation of the Meander Valley SES unit through ongoing management of the Memorandum of Understanding (MOU).	4.4	Infrastructure Services	Annual report received from SES.	Six month report on activities reported in Briefing Report.	Nil.	Six month report on activities reported in Briefing Report.	Obtain activities report from Deloraine SES and provide information to Council on a six monthly basis in Briefing Report.
3	Conduct emergency management training exercise for Council staff, facilitated by Red Cross.	4.4	Infrastructure Services	Conduct training.	Nil.	Nil.	Nil.	Training for Council staff completed.
4	Develop and action a plan to promote indoor recreational facilities to current and prospective users to increase patronage and participation.	4.2	Infrastructure Services	Draft the plan.	Finalise plan and present to Workshop.  Benchmark current usage.	Promote facilities.  Report on usage trends.	Promote facilities.  Report on usage trends.	Present plan to Council Workshop. Review promotion outcomes and report to management team.
5	Manage public health risk through monitoring and sampling of recreational water.	4.1 (primary) 1.5 (secondary)	Community & Development & Regulatory Services	Record results.  100% of public safety notification achieved in 48 hours.	Record results.  100% of public safety notification achieved in 48 hours.	Record results.  100% of public safety notification achieved in 48 hours.	Record results.  100% of public safety notification achieved in 48 hours.	Quarterly monitoring and testing completed for all sample sites. Non-conformances responded to within 48 hours.
6	Undertake annual/periodic inspections of food premises consistent with Food Act Requirements.	4.1, 4.3	Community & Development & Regulatory Services	Issue annual registration for all premises.  Outcomes reported.	Inspections as per annual program.  Outcomes reported.	Inspections as per annual program.  Outcomes reported.	Inspections as per annual program.  Outcomes reported.	Conduct inspections as per program and report on results each quarter.
7	Coordinate immunisation clinics for Meander Valley Schools.	4.1, 4.3	Community & Development & Regulatory Services	Nil.	Complete annual immunisation program.	Nil.	Nil.	Provide school based immunisations as per program (usually March and September) and provide quarterly report.
8	Audit microchipping of registered dogs.	4.3	Community & Development & Regulatory Services	Undertake audit and close out actions arising.	Audit conducted and reported each quarter.			
9	Prepare and implement annual Fire Abatement Management Program.	4.3	Community & Development & Regulatory Services	Nil.	Inspect and issue notices and arrange work as required.	Inspect and issue notices and arrange work as required.	Inspect and issue notices and arrange work as required.	Program in place by December.  All previous properties inspected. All additional identified properties inspected.  Notices issued as required and relevant follow up work arranged.

10	Investigate incidents and complaints regarding animal control.	4.3	Community & Development & Regulatory Services	100% of cases responded to within 10 days.  Prepare monthly summary report.	100% of cases responded to within 10 days.  Prepare monthly summary report.	100% of cases responded to within 10 days.  Prepare monthly summary report.	100% of cases responded to within 10 days.  Prepare monthly summary report.	Investigate all cases and complaints within 10 days and provide quarterly reports.
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## Strategic Plan Future Direction 5 Innovative leadership and community governance

**5.1** Meander Valley Council programs are regularly reviewed to support the achievement of the Community Strategic Plan.

**5.2** Long term financial planning and asset management underpins the ongoing viability of Meander Valley.

**5.3** Evidence based decision-making engages the community and is honest, open and transparent.

**5.4** Meander Valley councillors and employees have the knowledge, skills and attitude to responsibly undertake community governance and operational responsibilities.

**5.5** Councils in the region collaborate and share resources for the collective good of their communities.

**5.6** Meander Valley Council is recognised as a responsibly managed organisation.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Deliver Annual Plan.	5.1	Governance	Prepare quarterly review.	Prepare quarterly review.	Prepare quarterly review.	Prepare quarterly review. Prepare 2021-22 Annual Plan.	Plan adopted by Council, compliant with statutory requirements.
2	Prepare Annual Report and conduct Annual General Meeting (AGM).	5.6	Governance	Complete draft for printing.	Complete report and present at AGM. Advertise and conduct AGM	Nil.	Nil.	AGM held and Annual Report adopted by Council.
3	Review the Community Strategic Plan 2014-2024.	5.1	Community & Development Services Governance	Nil.	Project established.	Consultation with stakeholders.	Community Strategic Plan drafted.	Community Strategic Plan reviewed and updated.
4	Develop community consultation policy.	5.1	Governance	Nil.	Workshop with Council.	Nil.	Adopted by Council.	Council decision on development of policy.
5	Update risk management framework.	5.6	Governance	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risks register reviewed and required mitigations in place. Audit Panel report.	Risk review completed, updated and endorsed by Audit Panel. Actions progressed and reported on quarterly.
6	Deliver the Internal Audit Program.	5.4	Governance Corporate Services	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	100% of Audit actions addressed. Audits conducted to schedule.	Audit recommendations implemented and audits conducted.
7	Health & Safety Committee.	5.6	Governance Corporate Services	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct quarterly meeting and review WH&S performance. Quarterly report.	Conduct meetings, implement improvement initiatives and produce quarterly reports.
8	Raise rates and sundry debtor (other Council debts) accounts.	5.2	Corporate Services	Achieve activity performance target.	Reconcile rates debtor, sundry debtor and creditors control accounts within 10 days of the working month.			
9	Reconcile financial control accounts.	5.2	Corporate Services	Achieve activity performance target.	Reconcile payroll clearing account within 5 days of processing fortnightly pay.			

10	Complete State Government Authority returns.	5.6	Corporate Services	Submit initial State Fire and Treasury pensioner claims, and Annual State Fire Levy data return	Nil.	Nil.	Submit final State Fire and Treasury pensioner claims.	Submit State Fire and Treasury pensioner claims.
11	Complete Section 132 Certificates (property rates).	5.6	Corporate Services	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of s132 Certificates within 3 working days of request.	Issue 98% of certificates within 3 working days.
12	Complete annual insurance renewals.	5.6	Corporate Services	Nil.	Complete crime insurance renewal.	Nil.	Insurance policies completed.	Insurance policies completed.
13	Update Long Term Financial Plan (LTFP)	5.2	Corporate Services	Nil.	Review and adopt LTFP.	Nil.	Nil.	Review and adopt LTFP.
14	Develop budget estimates and rating recommendations in accordance with statutory timeframes.	5.2	Corporate Services	Nil.	Determine budget estimates preparation plan.	Nil.	Review and adopt annual budget estimates.	Review and adopt annual budget estimates.
15	Annual external financial reporting.	5.6	Corporate Services	Submit financial statements to Tasmanian Audit Office.	Submit key performance indicator (KPI) consolidated data sheets.	Present budget estimates, fees and charges to Council Workshop.	Prepare financial statements and State government financial reporting.	Prepare financial statements and State Government financial reporting.
16	Submit Business Activity Statement (BAS), Fringe Benefits Tax (FBT) and payroll tax returns.	5.6	Corporate Services	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Submit BAS and payroll tax returns.	Complete statutory reporting.
17	Review and submit internal financial management reports.	5.3	Corporate Services	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Achieve activity performance target.	Produce and distribute monthly management reports.  Produce and distribute monthly project expenditure reports.  Provide financial reports for September, December and March quarters to Council in October, January and April respectively.
18	Review structure of internal financial management reports.	5.3	Corporate Services	Nil.	Provide recommended revised format.	Implement changes to financial management reports	Complete review of report structure.	Complete review of report structure.
19	Monitor Council's short-term expenditure commitments and invest funds in accordance with Council's Investment Policy.	5.2	Corporate Services	Review cash flow at least weekly.	Review cash flow at least weekly.	Review cash flow at least weekly.	Review cash flow at least weekly.	Weekly monitoring of cash flow.
20	Facilitate Council Audit Panel meetings.	5.6	Corporate Services	Meetings conducted as per work plan.	Conduct meeting as per work Plan.	Conduct meeting as per work plan.	Conduct meeting as per work plan.	Meetings conducted as per work plan.
21	Maintain efficient desktop IT equipment.	5.6	Corporate Services	Commence rolling replacement of computers.	Complete rolling replacement of computers.	Nil.	Nil.	Rolling replacement of computer equipment.

22	Review server structure and system requirements to ensure a stable IT architecture.	5.6	Corporate Services	Nil.	Nil.	Nil.	Review server structure and associated software replacement.	Review server structure and associated software replacement.
23	Maintain cemetery records in accordance with the Cemeteries Act.	5.6	Corporate Services	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Record new burial information and implement any required changes to existing records.	Maintain new and existing burial information.
24	Maintain records management processes in line with requirements of the Archives Act.	5.6	Corporate Services	Induct new system users Arrange for removal of documents due for disposal.	Induct new system users. Conduct audit of user security rights.	Induct new system users.	Induct new system users.	Induct new users and maintain information management system.
25	Comply with requirements of 2019 Enterprise Agreement.	5.6	Corporate Services	Apply required salary increase changes to pay and allowance rates.	Nil.	Nil.	Review required salary increase and advise employees.	Maintain salary, allowances and clause application.
26	Employee performance reviews.	5.4	Corporate Services	Coordinate office employee performance review completion.	Nil.	Coordinate office employee mini review & salary review completion.	Performance reviews completed for works staff.	Performance and salary reviews completed for all employees.
27	Review employee information manual.	5.6	Corporate Services	Nil.	Nil.	Review and update draft employee information manual.	Adopt revised employee information manual.	Review and update manual.
28	Review Business Continuity Plan and conduct training scenario.	5.6	Infrastructure Corporate Services	Review and update plan.	Prepare training scenario.	Conduct training.	Report on improvement opportunities.	Review and update plan for management team approval. Complete training for MVC officers and report on improvement opportunities.
29	Engage with community sport and recreation organisations to ascertain future needs and venue planning.	5.3	Infrastructure	Nil.	Present forum information to Council Workshop.	Conduct forums and report on participation and feedback from clubs.	Conduct forums and report on participation and feedback from clubs.	Quarterly report presented to Council Workshop.

## Strategic Plan Future Direction 6 Planned Infrastructure Services

**6.1** The future of Meander Valley's infrastructure assets is assured through affordable, planned maintenance and renewal strategies.

**6.2** Regional infrastructure and transport is collaboratively planned and managed by all levels of government.

**6.3** The Meander Valley transport network meets the present and future needs of the community and business.

**6.4** Open space, parklands, recreation facilities, cemeteries and public buildings are well utilised and maintained.

**6.5** Stormwater and flooding cause no adverse impacts.

**6.6** Infrastructure services are affordable and meet the community's needs into the future.

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
1	Undertake maintenance works to ensure safe and fit for purpose assets.	6.1, 6.3, 6.6	Works	Report to Annual Plan review.	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Provide Customer Service Request statistics and budget updates in Briefing Reports.
2	Plan and deliver capital work projects.	6.3, 6.6	Works	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Provide program, project and budget updates in Briefing Report.
3	Manage plant to achieve effective and efficient use that minimises ownership costs.	6.1, 6.6	Works			Complete major plant review		Review plant utilisation and hire rates and update 10 year Plant Replacement Program.
4	Undertake plant purchases in accordance with approved budget.	6.1, 6.6	Works	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Report to Annual Plan Review	Provide program, project and budget updates in Briefing Report.
5	Co-ordinate Asset Management Group and Strategic Asset Management Plan Improvement Plan actions. Review Strategic Asset Management Plan and Review Asset Management Plans.	6.1 (primary) 5.2 (secondary)	Infrastructure Services	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Chair meeting and report on action improvement program	Meetings held. Strategic Asset Management Plan and Asset Management Plans updated.
6	Prepare 2021-22 Capital Works Program and Forward Works Program.	6.1, 6.6	Infrastructure Services	Nil.	Update Proposed Projects list	Prioritise and undertake further design and cost estimation	Annual program prepared for approval by Council	Prepare annual Capital Works Program for approval in June quarter.
7	Design, procurement and contract management for projects listed in the 2020-21 Capital Works Program.	6.1	Infrastructure Services	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Report to Annual Plan review	Undertake projects in line with project plan requirements and completion of all non-provisional projects.
8	Update asset information including capitalisation of assets in Conquest and undertake bridge asset revaluation.	6.1	Infrastructure Services	Capitalisation of assets and recording in Conquest and GIS, prior to finalisation of 2019-20 statutory reporting.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets and recording in Conquest and GIS for 2020-21 financial year.	Capitalisation of assets prior to finalisation of 2019-20 statutory reporting.
9	Undertake required proactive footpath defect inspections, parks and recreation asset inspections and condition assessments.	6.1	Infrastructure Services	Undertake required inspections.	Undertake required inspections and comprehensive inspection of playgrounds.	Undertake required inspections.	Undertake required inspections and comprehensive inspection of playgrounds for 2021-22 maintenance schedule.	Meet timeframes set out by Conquest. Annual comprehensive inspection of playgrounds completed by December 31.

## Strategic Plan Future Direction 6

No.	Actions and Tasks	Strategic Plan Reference	Department	Quarterly KPI (30/9)	Quarterly KPI (31/12)	Quarterly KPI (31/3)	Quarterly KPI (30/6)	Performance Target
10	Development of stormwater system improvement plan and present to Council.	6.1	Infrastructure Services	Review Flood and Risk Study documents.	Storm water Improvement plan presented to Council Workshop.	Stormwater improvement plan endorsed by Council.  Prepare project budget items for 2021-22 Capital Works Program.	Nil	Workshop presentation to Council in December quarter.
11	Coordinate reactive and programmed maintenance of building assets.	6.1	Infrastructure Services	Undertake required maintenance.	Undertake required maintenance and fire equipment testing.	Undertake required maintenance.	Undertake required maintenance, fire equipment testing and annual testing and tagging.	Meet timeframes set out by Conquest.
12	Deliver the bridge inspection and maintenance program.	6.1, 6.3	Infrastructure Services	Nil.	Quarterly performance review outcomes reported.  Contractors engaged for maintenance works, and for inspection program.	Quarterly performance review outcomes reported and prepare maintenance budget items for 2021-22.	Quarterly performance review outcomes reported  Maintenance works completed.	Review and document contractor compliance with the contract.
13	Operate Deloraine Swimming Pool and provide support to community swimming pool at Caveside.	6.4, 6.6	Infrastructure Services	Commence review and extension of existing contract.	Contract executed.  Undertake pre-opening inspection and required maintenance.  Open pool 1 December.	Operate pool to 1 March	Report on contract performance.	Document contract extension and contractor performance.
14	Provision of kerbside collection contracts to existing urban areas for waste, recyclables and organics.	6.6	Infrastructure Services	Manage contract.	Manage contract.	Manage contract.	Manage contract.	Supervise and review contract.
15	Provision of landfill, waste transfer stations and resource recovery operations contract.	6.6	Infrastructure Services	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Quarterly performance review outcomes reported.	Supervise and review contract.
16	Provision of hard waste collection.	6.6	Infrastructure Services	Nil.	Undertake collection.	Report to Council in Annual Plan review.	Nil.	Report to Council by March 31 on collection results.
17	Operational compliance with Environment Protection Notice for Westbury and Deloraine landfill sites.	6.6	Infrastructure Services	Undertake ground and surface water monitoring.  Annual Report submission to EPA.	Nil.	Undertake ground and surface water monitoring.	Nil.	Complete reporting requirements for EPA in line with license requirements.
18	Review and update User Guides for indoor facilities.	6.4	Infrastructure Services		Review and update Guides			Complete review and distribute guides to user groups.

## 50/2021 PUBLIC INTEREST DISCLOSURE PROCEDURE

**AUTHOR:** Jacqui Parker  
Governance Coordinator

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### 1) Recommendation

***It is recommended that Council:***

- 1. Receives and endorses the attached draft procedure titled 'Meander Valley Public Interest Disclosure Procedure'; and***
- 2. Approves the issue and implementation of the above procedure by Council, subject to formal approval from the Tasmanian Ombudsman (pursuant to s60(3) of the Public Interest Disclosures Act 2002 (Tas)).***

### **DECISION:**

Cr Kelly moved and Cr Cameron seconded ***“that Council:***

- 1. Receives and endorses the attached draft procedure titled 'Meander Valley Public Interest Disclosure Procedure'; and***
- 2. Approves the issue and implementation of the above procedure by Council, subject to formal approval from the Tasmanian Ombudsman (pursuant to s60(3) of the Public Interest Disclosures Act 2002 (Tas)).”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Sherriff and Temple voting for the motion and Councillors Nott and Synfield voting against the motion.***



Meander Valley Council  
Working Together

Meander Valley Council  
*Public Interest Disclosures Act 2002 (Tas)*

Public Interest Disclosure Procedure

Issued: [Date of approval]

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## **1. Statement of Support**

Meander Valley Council is committed to achieving the purposes of the *Public Interest Disclosures Act 2002* (the *Act*), which are primarily:

- to encourage and facilitate disclosures of improper conduct by public officers;
- to protect persons making those disclosures and others from reprisals;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved with those disclosures with procedural fairness (referred to as natural justice in the *Act*).

Council recognises the value of internal reporting as one of the main ways in which improper conduct is uncovered. Employees and other public officials should feel safe to report improper conduct and be confident that it will be dealt with appropriately. Meander Valley Council is committed to transparency and accountability in all aspects of its operations.

## **2. Purpose of these procedures**

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Meander Valley Council protects disclosers and affords procedural fairness<sup>1</sup> to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance

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<sup>1</sup> Referred to as natural justice in the *Act*.

procedures within the organisation where appropriate, including:

- For employees:
  - Code Of Conduct Policy
  - Communications Policy
  - Disciplinary Policy & Procedure
  - Issue Resolution Policy & Procedure
  - Performance Management Policy & Procedure
  - Work Health Safety Policy
  - Workplace Behaviour Policy
- For Councillors
  - Code of Conduct Policy

This procedure for public interest disclosures has been prepared in accordance with the Ombudsman's *Guideline One: Procedures for Public Bodies*. The Guideline is available on the Ombudsman's website at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

### **3. How the Act works**

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);<sup>2</sup>
- it provides certain statutory protections for *protected disclosures*, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8); it treats the Ombudsman as the oversight agency in relation to the operation of

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<sup>2</sup> Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.

the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;

- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

#### **4. Roles and responsibilities**

This part explains the roles and responsibilities under the Act of individuals within Meander Valley Council.

##### **4.1. Members, officers and employees**

Members, officers and employees (public officers) of Meander Valley Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of Meander Valley Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

## **4.2. Principal Officer**

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Meander Valley Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Meander Valley Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

## **4.3. Public Interest Disclosure Officer**

A Public Interest Disclosure Officer is appointed by the Principal Officer under s62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receiving any disclosure from a public officer made orally or in writing;
- recording in writing the details of any disclosure which is made orally;
- impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");

- impartially assessing under s 33 of the Act whether a disclosure is a “public interest disclosure”;
- taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and
- administrative functions to support the role under the Act, as required.

See the cover page for a list of Meander Valley Council’s Public Interest Disclosure officers.

#### **4.4. Investigator**

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Meander Valley Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within Meander Valley Council or a consultant engaged for that purpose.

#### **4.5. Welfare Manager**

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;
- advise the discloser of the legislative and administrative protections available to them;<sup>3</sup>
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

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<sup>3</sup> See [Protection](#) below for details of the legislative protections.

A welfare manager may be a person employed by Meander Valley Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

## **5. Who can make a disclosure?**

### **5.1. Public officers**

Any current public officer<sup>4</sup> can make a disclosure to Meander Valley Council under the *Act*. This includes all employees and Councillors of Meander Valley Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.'

### **5.2. Contractors**

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to Meander Valley Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

### **5.3. Members of the public**

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public interest disclosure officers should refer any members of the public wanting to make a disclosure to either of these bodies.

### **5.4. Anonymous persons**

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

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<sup>4</sup> This can include a public officer from another public body

## **6. What can a disclosure be made about?**

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Meander Valley Council as a whole or the Principal Officer of Meander Valley Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

### **6.1. Improper conduct**

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

- a. conduct that constitutes an illegal or unlawful activity; or
- b. corrupt conduct; or
- c. conduct that constitutes maladministration; or
- d. conduct that constitutes professional misconduct; or
- e. conduct that constitutes a waste of public resources; or
- f. conduct that constitutes a danger to public health or safety or to both public health and safety; or
- g. conduct that constitutes a danger to the environment; or
- h. misconduct, including breaches of applicable codes of conduct; or
- i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.<sup>5</sup>

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;

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<sup>5</sup> See Public Interest Disclosure Guideline Two: Serious or Significant Improper Conduct, available at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

- a machine operator conducts grading work on a private road or driveway;
- cash payments at a Council-owned facility are not properly receipted or banked and are instead placed directly ;
- a staff member approves expenditure of funds on personal items
- a principal officer spends \$15,000 of public money on a staff Christmas party.

## **6.2. Corrupt conduct**

Corrupt conduct is further defined in s3 of the Act as:

- a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or
- c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

*[Note: You may wish to replace with or include an example/s of relevance to your public body.]*

### **6.3. Detrimental action**

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

- a. action causing injury, loss or damage; and
- b. intimidation or harassment; and
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

## 7. Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
A member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
The principal officer of a public body or State Service Agency	the Ombudsman; or the Integrity Commission
A member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
The Commissioner of Police	the Ombudsman
A member of the Legislative Council	the President of the Legislative Council
A member of the House of Assembly	the Speaker of the House
A councilor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
A person employed under the provisions of the <i>Parliamentary Privilege Act 1898</i>	the Ombudsman; or the Integrity Commission
The Auditor-General	the chairman of the Public Accounts Committee.
The Ombudsman	the Joint Standing Committee on Integrity
A person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman
In any other case, including if the	the Ombudsman; or

Officer or public body to which the disclosure relates	Where the disclosure may be made
disclosure is about a public body as opposed to an individual public officer	the Integrity Commission

[The above table may be summarised or made specific to your public body, if preferred, such as in the following example for a state government department:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of Meander Valley Council	Meander Valley Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of Meander Valley Council or Meander Valley Council as a whole	the Ombudsman; or the Integrity Commission
The relevant minister for Meander Valley Council, a member of the House of Assembly	the Speaker of the House
A person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman

## 8. How to make a disclosure

Public officers can make a disclosure about other public officers of Meander Valley Council orally or in writing to the following officers:

- the General Manager – who is the Principal Officer of the public body, for the purposes of the Act; or
- a Public Interest Disclosure Officer.

### 8.1. Public Interest Disclosure Officers

The following staff are public interest disclosure officers and can receive disclosures:

- *Governance Coordinator*

If someone wants to make a disclosure about the Principal Officer or Meander Valley Council, they should be referred to the Ombudsman or the Integrity Commission.

## **8.2. Written or oral disclosure**

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at:

26 Lyall Street, Westbury Tasmania 7303,

PO 102, Westbury Tasmania 7303

mail@mvc.tas.gov.au

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

## **8.3. Disclosure to the Ombudsman**

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania  
GPO Box 960  
HOBART TAS 7001

or at

Level 6, 86 Collins Street  
HOBART TAS 7000

Website: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

Phone: 1800 001 170

#### **8.4. Disclosure to the Integrity Commission**

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission  
GPO Box 822  
HOBART TAS 7001

or at

Level 2  
Surrey House  
199 Macquarie Street  
HOBART TAS 7000

Website: [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)  
Email: [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au)  
Phone: 1300 720 289

#### **9. Confidentiality**

Meander Valley Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;

- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The Meander Valley Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or

- information that is likely to lead to the identification of the person who:
  - made the disclosure; or
  - the person who is the subject of the disclosure.

## **10. Assessing the disclosure**

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to Meander Valley Council;
  - has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
  - is it about the conduct of a public officer;
  - does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
  - is it about conduct that could objectively fall within the definition of improper conduct; and
  - does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

### **10.1. What should the recipient of the disclosure do upon receipt of the disclosure?**

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or

record of the disclosure, and any accompanying documents.<sup>6</sup> If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

## **10.2. Is it a protected disclosure?**

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at Assessing the disclosure, and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

## **10.3. Mixed content disclosures**

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on Meander Valley Council to identify whether or not the Act applies. Consider

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<sup>6</sup> Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per [Who can make a disclosure?](#)

discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

#### **10.4. Risk Assessment**

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 3 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or Meander Valley Council.

The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

#### **10.5. Referral of a protected disclosure to the Integrity Commission**

Meander Valley Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

Meander Valley Council] must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

## **10.6. Is the disclosure a public interest disclosure?**

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

### **10.7. Referral of criminal conduct to the Commissioner of Police**

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, Meander Valley Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, Meander Valley Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of Meander Valley Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

## **11. Protection**

### **11.1. When does protection commence?**

Where Meander Valley Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see s19 of the Act.

## **11.2. What protection does the Act provide?**

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

## **12. Investigation**

### **12.1. Introduction**

Any disclosure Meander Valley Council determines to be a public interest disclosure under s 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

Meander Valley Council must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

## **12.2. Matters that do not have to be investigated**

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

### **12.3. Appointment of investigator and framing of terms of reference**

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, Meander Valley Council may apply to the Ombudsman for an extension of up to a further six months.

### **12.4. Investigation plan**

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

### **12.5. Procedural fairness**

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

Meander Valley Council] will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or
- against whom there are reasonable grounds for apprehending or suspecting bias.<sup>7</sup>

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

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<sup>7</sup> The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

## **12.6. Conduct of the investigation**

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector<sup>8</sup> is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

## **12.7. Referral of an investigation to the Ombudsman**

Under s 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see Referral of criminal conduct to the Commissioner of Police above for more detail).

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

## **12.8. Provision of information about the investigation**

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

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<sup>8</sup> Accessible at <https://www.integrity.tas.gov.au/publications/prevention-resources/guides>.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

### **13. Action taken after an investigation**

#### **13.1. Investigator's final report**

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Meander Valley Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Meander Valley Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

### **13.2. Action to be taken**

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, Meander Valley Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to the Minister for Local Government, to Councillors, and to the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

## **14. Managing the welfare of the discloser**

### **14.1. Support for the discloser**

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Meander Valley Council, they may report the matter to the Ombudsman.

### **14.2. Keeping the discloser informed**

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by Meander Valley Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Meander Valley Council in relation to a disclosure. All communication with the discloser must be in plain English.

### **14.3. Occurrence of detrimental action**

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

#### **14.4. Discloser implicated in improper conduct**

Where a person who makes a disclosure is implicated in improper conduct, Meander Valley Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time Meander Valley Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

#### **15. Management of the person against whom a disclosure has been made**

Meander Valley Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to

whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

Meander Valley Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Meander Valley Council is afforded procedural fairness in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Meander Valley Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of Meander Valley Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

## **16. Approval and review of these procedures**

These procedures were approved by the Ombudsman under s 60(3) of the Act on *[date of approval]*.

The procedures will be reviewed at least once every four years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

Any substantial changes to this policy upon review will be submitted to the Ombudsman for further approval prior to implementation.

## Assessment of disclosure form (Attachment 1)

*Public Interest Disclosures Act 2002*

**Date of assessment:**

**Name of Public Interest Disclosure Officer / Principal Officer:**

### Summary of disclosure:

Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

### Part 1: Is the disclosure a protected disclosure?

#### Question 1: Is the discloser a public officer?

*The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.*

*If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.*

Yes

No

Please provide details if relevant:

#### Question 2: Is the disclosure about a public officer?

*A disclosure can be made even if the discloser cannot identify the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.*

Yes

No

**Question 3: Has the disclosure been made to the right person or body?**

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

Yes                       No

Please provide details:

**Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?**

Yes                       No

If no, provide details:

**Question 5: Does the disclosure relate to improper conduct?**

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

*For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.*

Yes                       No

Please provide details:

**Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?**

*This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.*

Yes                       No

**Assessment of Answers to Part 1 Questions**

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

**Part 2: Should the protected disclosure be referred to the Integrity Commission?**

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

Yes                       No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

Yes                       No

If yes, please provide details

*If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.*

### **Part 3: Is the protected disclosure a public interest disclosure?**

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

- a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or
- b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

*A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.*

*This determination under s33 of the Act must be made within 45 days of the disclosure being received.*

Yes                       No

Provide reasons for your decision and attach evidence if available

### **Next steps**

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

### **Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?**

**Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?**

Yes                       No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

**Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?**

Yes                       No

If yes, please provide details

**Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?**

Yes                       No

If yes, please provide details

**Question 4: Did the discloser:**

- **have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and**
- **fail to give a satisfactory explanation for the delay in making the disclosure?**

Yes                       No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

**Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?**

Yes                       No

*Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.*

If yes, please provide details:

**Question 6: Is the public interest disclosure based on false or misleading information?**

Yes                       No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

**Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?**

Yes                       No

If yes, please provide details

**Assessment of Answers to Part 4 Questions**

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?

*Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.*

Yes                       No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

## Summary

<b>Part</b>	<b>Question</b>	<b>Answer</b>
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

## Approval

### Approved by:

Name of Public Interest Disclosure Officer or Principal Officer:

### Date of approval:

## **Risk assessment template (Attachment 2)**

*Public Interest Disclosures Act 2002*

**Date of assessment:**

**Name of Public Interest Disclosure Officer / Principal o**

**Risk assessed to:**

**Please select all relevant options**

- |  |  |
|--|--|
| <input type="checkbox"/> Discloser                             | <input type="checkbox"/> Other employees including potential witnesses |
| <input type="checkbox"/> Your public body (the general public) | <input type="checkbox"/> Other (e.g. Tasmanian Government,             |
| <input type="checkbox"/> The subject of the disclosure         |  |

### **Type of risk / possible harm**

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

**Please provide details:**

**Likelihood risk/s will occur**

Unlikely

Possible

Likely

**Considerations:**

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

**Please provide your reasons:**

**Seriousness of consequences if risk/s occurs**

Minor

Moderate

Major

**Considerations:**

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

**Please provide your reasons:**

### Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

### Determine your level of risk:

### Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser
- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

### Please provide details:

**Action to be taken**

**Considerations:**

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

**Please provide details of your risk action plan:**

**Approval**

**Approved by:**

**Date of approval**

Public Interest Disclosure Officer or Principal Officer – Type Name

**Risk assessment review**

Risk assessment to be reviewed on (date) or when (event) occurs.

**Name of reviewing officer:**

**Date of assessment:**

**Notes on changes to risk since last assessment**

**Review outcome**

No change to action plan

Further action required

**Please provide details:**

## Ombudsman notification template (Attachment 3)

*Public Interest Disclosures Act 2002*

**Public body name:**

**Date of disclosure:**

**Contact person:** *(include telephone and email contact details)*

**Date of s 33 determination:** *(to be made within 45 days of date of disclosure)*

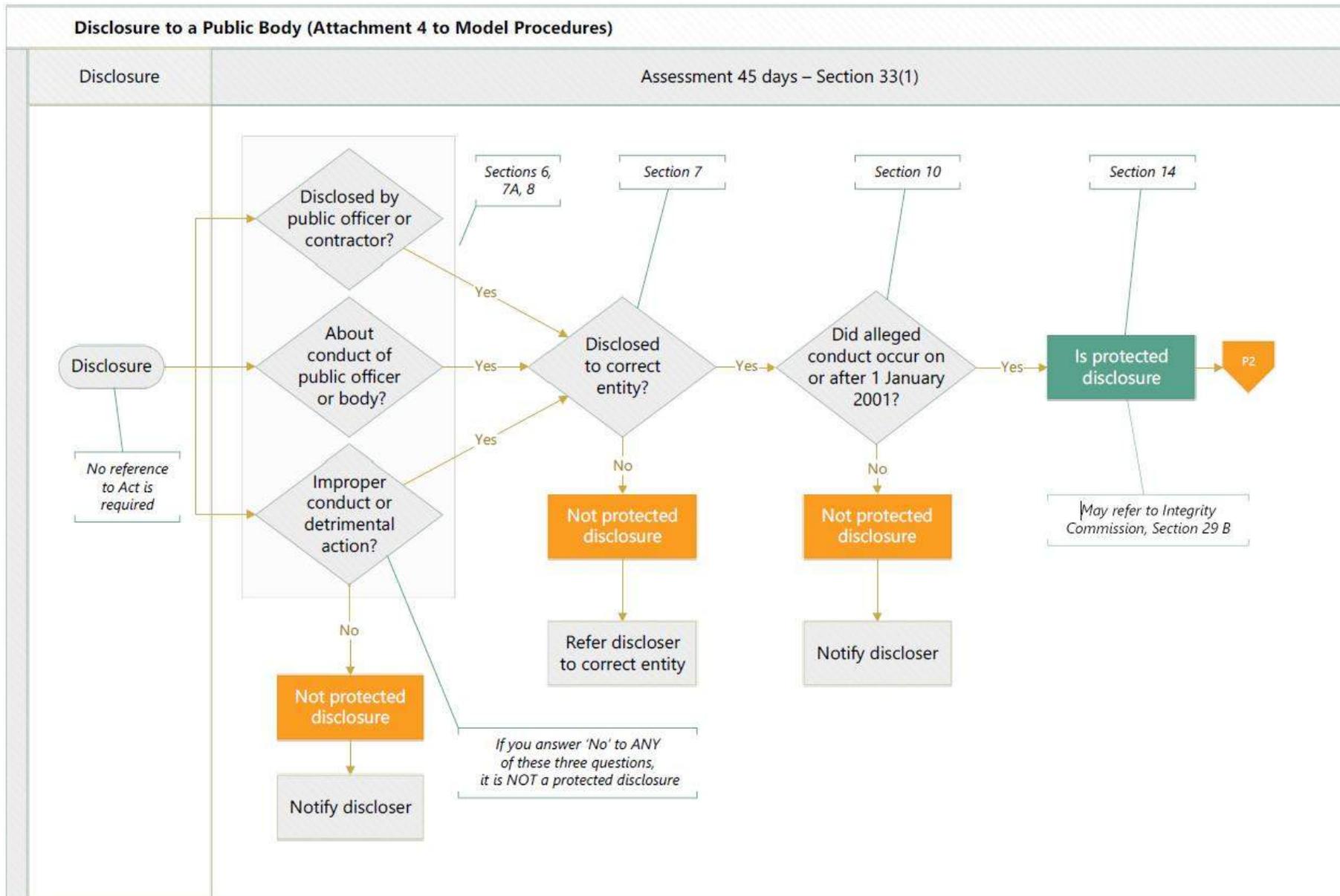
**Date of notification:**

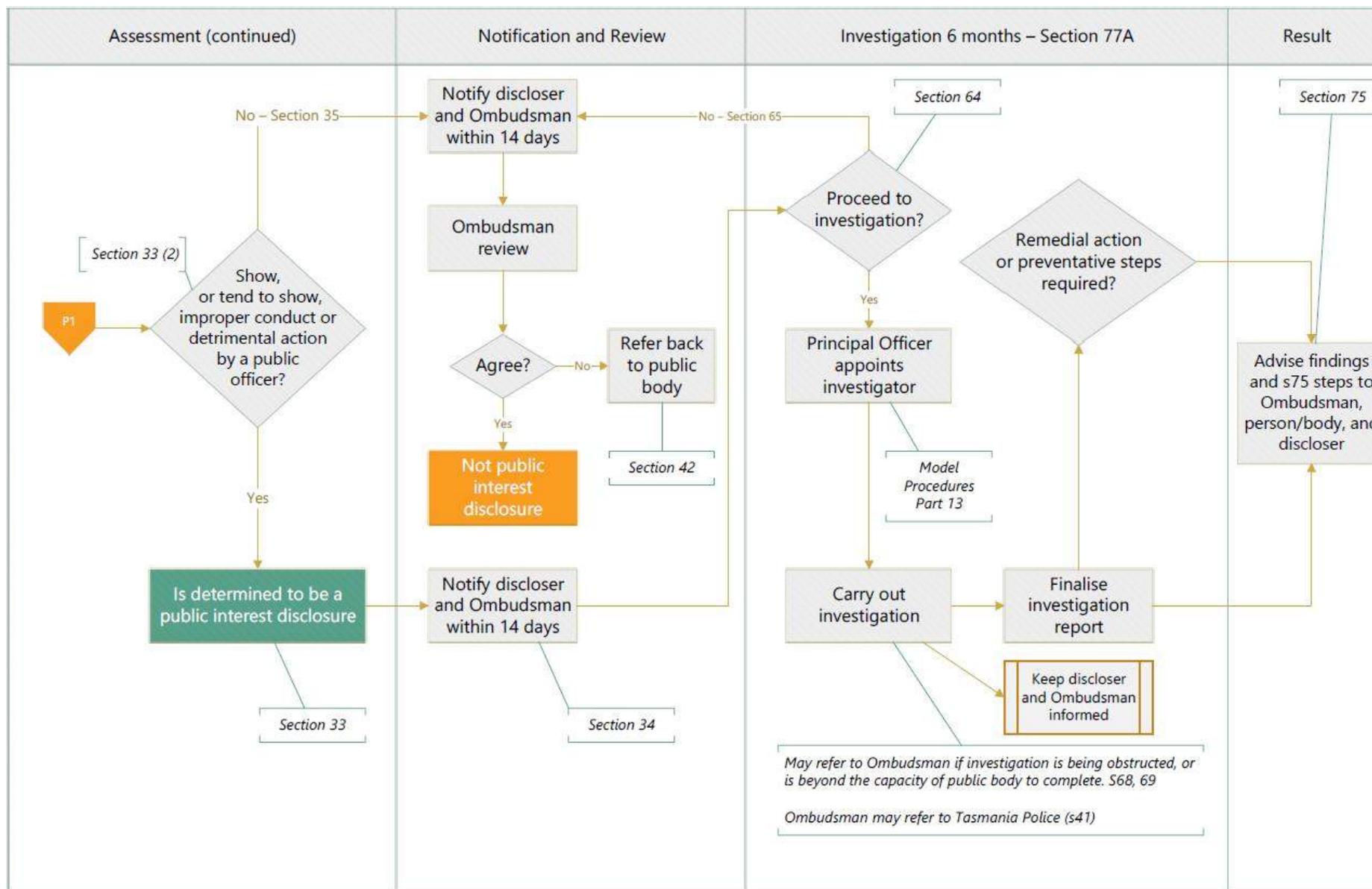
### Notification type

- Section 34 – Determination that disclosure is a public interest disclosure  
*Notification to be made within 14 days of decision*
- Section 35 – Determination that disclosure is not a public interest disclosure  
*Notification to be made within 14 days of decision*
- Section 65 – Decision not to investigate public interest disclosure under s 64  
*Notification to be made within 14 days of decision*
- Section 76 – Findings of investigation and steps taken under s 75  
*Investigation to be completed within 6 months unless Ombudsman extension granted*

### Evidence attached

- Copy of original disclosure or record of oral disclosure
- Disclosure assessment
- Risk assessment/s
- Investigation report including:
  - the transcript or other record of any oral evidence taken, including audio or video recordings; and
  - all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.
- Any other material used to make determination (list):





## ITEMS FOR CLOSED SECTION OF THE MEETING:

Councillor Kelly moved and Councillor Sherriff seconded ***“that pursuant to Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

***The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Nott, Sherriff, Synfield and Temple voting for the motion.***

Council moved to Closed Session at 3.40pm.

### 51/2021 CONFIRMATION OF MINUTES

(Reference Part 2 Regulation 34(2) Local Government (Meeting Procedures) Regulations 2015)

### 52/2021 LEAVE OF ABSENCE

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

### 53/2021 GENERAL MANAGER’S PERFORMANCE REVIEW

(Reference Part 2 Regulation 15(2)(a) Local Government (Meeting Procedures) Regulations 2015)

Council returned to Open Session at 4.53pm.

The meeting closed at 4.53pm.

.....  
Wayne Johnston  
**Mayor**