

dorset
C O U N C I L

Ordinary Agenda

Council Meeting

16 September 2024

COUNCIL CHAMBERS

it's in the making

General Manager's Certification

Qualified Persons Advice – Local Government Act 1993 – Section 65

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

1. such advice, information and / or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
2. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person; and
3. a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice has been provided to the council.



JOHN MARIK
General Manager

Notification of Council Meeting

NOTICE¹ is given that the next Ordinary Meeting of the Dorset Council will be held on **Monday, 16 September 2024** at the **Council Chambers, 3 Ellenor Street, Scottsdale** commencing at 6:00 pm.

Members of the public are invited to attend in person, however, if any member of the public is feeling unwell, **please do not attend**.

The audio recording of the Council Meeting, except for any part held in Closed Session, will be made available to the public as soon as practicable after the meeting via Council's website and social media.



JOHN MARIK
General Manager

¹ In accordance with the *Local Government (Meeting Procedures) Regulations 2015*

Ordinary Meeting of Council

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Council Meeting Agenda 16 September 2024

Meeting Opened:

Present:

Apologies:

Acknowledgement of Country

Dorset Council acknowledges the deep history and culture of the First People who were the traditional owners of the lands and waterways where we live and work. We acknowledge the clans-people who lived here for over a thousand generations on the Country where Scottsdale is built and throughout the area we know as the north east region.

Dorset Council acknowledge the present-day Aboriginal custodians and the inclusive contribution they make to the social, cultural and economic essence of the municipality.

PROCEDURAL ITEMS

Item 172/24 Declaration of an Interest of the Commissioner or Close Associate

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Item 173/24 Confirmation of Ordinary Council Meeting Minutes – 19 August 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 August 2024 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Recommendation

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 August 2024 having been circulated to the Commissioner, be confirmed as a true record.

Item 174/24 Confirmation of Agenda

Recommendation

That Council confirm the Agenda and order of business for the 16 September 2024 Council Meeting.

Item 175/24 Public Question Time

The following question was **taken on notice** at the 19 August 2024 Council Meeting:

Mary Schramm, Ringarooma

(question relates to the Ochre Health Medical Centre in Scottsdale)

The land on which the clinic is built, was that Crown land or state health department land?

Response from Assistant General Manager, Rohan Willis:

Prior to construction of the Ochre Medical Centre, the land was formerly Crown land under the administration of the (then) Tasmanian Department of Health and Human Services.

The following questions have been received on notice:

Mr Karl Willrath, Scottsdale | 6 September 2024

1. *As per the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 part 8(69) when was permission given for the industrial hub at the Ling siding to dump 6 waste water pipes directly onto the trail leaving it in a permanent state of washout owing to lack of a culvert or piping?*

Response from Assistant General Manager, Rohan Willis

The Ling Siding Industrial Hub is an industrial area with a long history of wood processing activity, noting the site is an EPA regulated premises. Historical wastewater treatment of the premises has therefore been regulated by the EPA. In the first instance, Council would encourage you to direct your allegations of wastewater disposal onto the North East Corridor to the EPA for its consideration of the matter. To assist EPA in their enquiry, please provide sufficient evidence (e.g. photographs) of the locations of the offending pipelines. In the event that the EPA confirms unlawful disposal of wastewater onto the North East Corridor, the EPA and Council would liaise to determine appropriate next steps to address the non-compliance.

2. *Did Dorset give themselves permission in writing to dump waste washout water from the rubbish trucks etc. onto the trail at their depot the other side of Northeast Park?*

Response from Assistant General Manager, Rohan Willis

Council's vehicle washdown area at the Scottsdale Depot is located upon Council owned land, not the North East Corridor. Recent rainfall episodes have understandably led to a saturation of groundwater levels, resulting in some water escaping the washdown area and into the Corridor. Since becoming aware of the matter, Council has commenced investigations into undertaking drainage improvements to better contain water escape from the area in future.

3. *If the proposed extension of the trail is unsuccessful, is the agreement and or contract with Rotary to maintain the trail going to be disclosed and explained in full, because as it stands, the situation with maintenance workers out numbering actual users of the trail looks somewhat akin to the Yes Minister episode (English comedy series) with the thousand bed hospital and no patients?*

Response from Assistant General Manager, Rohan Willis

Dorset Council commends the outstanding volunteer work undertaken by members of the Scottsdale Rotary Club toward maintenance works along the existing Rail Trail from Scottsdale to the Billycock. The Club is currently in the thick of mobilising all efforts it can toward the clearing of fallen vegetation and debris in wake of the destructive weather patterns of the past fortnight, to

support the upcoming Rail Trail Run and Ride on the weekend. Since its inception in 2018 the event has been a resounding success, each year attracting hundreds of entrants from near and far.

Regardless of the progression of the Rail Trail from Scottsdale to Lilydale Falls Reserve, Dorset Council and the Scottsdale Rotary Club will continue to work together to support maintenance of the trail from Scottsdale to the Billycock for the benefit of the broader community.

The following questions were received without notice from members of the public:

Item 176/24 Deputations

Item 177/24 Commissioner Question Time

The following questions were received without notice from the Commissioner:

Item 178/24 Applications for Leave of Absence

Nil

Item 179/24 Notices of Motion by the Commissioner

ITEMS FOR DECISION

Item 180/24

Review of Policy No. 32 | Public Interest Disclosures Procedures

Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt

Ref: DOC/24/11020 | Draft Procedures: DOC/20/14125

Recommendation

That Council adopts the attached reviewed model Public Interest Disclosure Act 2002 Dorset Council Procedures, dated 14 August 2024.

Purpose

The purpose of this agenda item is to review the *Public Interest Disclosures Act 2002* Dorset Council Procedures (the Procedures).

Background

On 26 July 2024, Ombudsman - Richard Connock wrote to Council advising that all public bodies required to have Public Interest Disclosures Procedures were due for their triennial review, as required under the *Public Interest Disclosures Act 2002* (the Act).

Council Officers reviewed the model procedures, as provided by the Ombudsman, against Council's current Procedures, with only minor updates required.

Review of the Procedures was listed as an item within the 2023/24 Annual Plan, however due to the timing of correspondence received from the Ombudsman, the Procedures were unable to be reviewed by 30 June 2024. The Procedures were last reviewed and approved by Council in April 2021.

Planning, Environment and Statutory Requirements

Section 60 of the Act requires:

- That each public body establish procedures which comply with the Guidelines and Standards;
- That procedures established by a public body include procedures for the protection of the welfare of a person making a disclosure;
- That the public body submit its procedures to the Ombudsman for approval before adoption;
- That the public body thereafter submit its procedures to the Ombudsman for approval once in each 3-year period following their initial approval.

Strategic and Annual Plan

- Strategic Plan (2023-2032), Imperatives 10.1 and 13.1
- Annual Plan (2023/24), Activity 22

Risk Management

The Procedures assist to mitigate the risk of improper conduct, corrupt conduct or detrimental action by providing a framework under which people can disclose concerns. That framework includes statutory protection for disclosers which allows people to make disclosures without fear of reprisal.

The Procedures also require the Principal Officer or Public Interest Disclosure Officer to complete a risk assessment and implement any appropriate risk mitigation action when a disclosure is assessed as a protected disclosure.

In addition to the Procedures, Council maintains other documents that are designed to mitigate the risk of improper conduct, corrupt conduct or detrimental action, particularly:

- Operational Employee Conduct Policy
- Dorset Council Councillor Code of Conduct
- Policy 52 – Related Party Disclosures
- Employee Interests Register

Financial and Asset Management Implications

N/A

Community Considerations

While the Procedures are predominantly designed to provide a mechanism for employees and contractors to make disclosures about other employees or Council as a public body, the Procedures also provide members of the public with a possible mechanism to make disclosures to the Ombudsman or Integrity Commission about Council. Before accepting a disclosure from a member of the public, the Ombudsman or Integrity Commission must first determine that it is in the public interest to do so.

Council's Customer Service Charter provides members of the public with a mechanism to make a complaint to Council, and Council's policies also clarify how a person can seek a review or make a complaint to the Ombudsman and/or the Integrity Commission where relevant.

Consultation

The Procedures were reviewed and submitted as requested by the Ombudsman for approval on 31 July 2024, with approval received on 14 August 2024.

Officer's Comments

Officers are recommending that Council adopt the model procedures as provided by the Ombudsman, with the following updates:

- Updated the contents page to reference attachment 4;
- Updated reference to Ombudsman guideline;

- Included a statement under 5.1 Public Officers to clarify the definition of ‘volunteer’; and
- Included a statement under 8.2 Written or oral disclosure that clearly states that the dedicated disclosures email inbox is only accessible by the Principal Officer and delegated Officers.

The reviewed Procedures as approved by the Ombudsman are provided in the attachments.

Recommendation

That Council:

1. Receive and note the Draft Policy 63 – Event Funding (copy provided in the attachments);
2. Resolve to receive written submissions from the community regarding the Draft Policy 63 – Event Funding for a 28 day period, commencing Wednesday 18 September 2024; and
3. Resolve to directly consult with key tourism and event agencies, former event funding recipients and other key stakeholders

Purpose

The purpose of this report is to present the newly developed draft Policy 63 – Event Funding for endorsement to allow community consultation to take place.

Background

The development of an Event Funding Policy is listed as an activity in Council’s 2024/25 Annual Plan. Council has previously supported events by reviewing submissions during the annual budget estimates process, however there has not historically been a comprehensive framework to guide levels of event support.

Planning, Environment and Statutory Requirements

N/A

Strategic and Annual Plan

- Strategic Plan (2023 - 2032), Imperatives 3 and 3.1
- Annual Plan (2024/25), Activity 13

Risk Management

The introduction of the Policy mitigates the risk of providing event support (either financial or in-kind) that exceeds the amount allocated for events in the annual budget estimates.

It also provides a framework to ensure that Council allocates event funding equitably and consistently, and ensures transparency for Council, event organisers and the community by requiring successful recipients to acquit funds and provide post event reviews.

Financial and Asset Management Implications

In preparing the annual budget estimates, Council will determine the allocation for the Event Funding program. This will be informed by an event funding application process which will conclude before the relevant annual budget estimates are finalised.

Council's total combined event support last financial year was \$89,700 with \$35,500 of cash contribution and \$54,200 worth of in-kind support.

Community Considerations

The introduction of the Policy will provide the community with transparency around the event funding process, how event funding is used and how much financial and in-kind event support Council provides.

Consultation

It is recommended that the proposed policy be advertised for community consultation for a 28 day period. Any submissions received will be considered before the Policy is recommended for adoption.

Officer's Comments

Council's vision is to be an inclusive, thriving and connected community which includes recognising the significant impact that a diverse events calendar can have on the economic and social wellbeing of the region. Events can be a major driver of visitation which has positive economic benefits for local hospitality, tourism, retail and transport industries. Events also create opportunity for various industries and community groups to create 'spin-off' experiences, promotions or events to maximise user experience and promote longer stays in the region.

Events are also recognised as having positive social outcomes for communities as they generally promote participation by local businesses, volunteers, and community members. This is particularly important in remote municipalities such as Dorset where communities rely on events to bring people together.

To support the development and continuation of events in the region, Council included the following strategic imperatives in its Strategic Plan 2023-2032:

- *Council will support and deliver events and festivals in conjunction with a regional marketing strategy for a vibrant community; and*
- *Council will review and possibly expand grant and sponsorship programs.*

The Policy outlines Council's position on supporting events by providing funding and will be underpinned by Event Funding Program Guidelines (Guidelines) which will provide transparent and clear criteria for event organisers seeking financial or in-kind support from Council to deliver events in the municipality. The Policy and Guidelines will provide a framework for Council's Events Funding Program and will provide for any future expansion of the program if the need is identified.

The Policy and Guidelines will also support the North East Marketing Plan per activity 3 in Council's 2024/25 Annual Plan. Council will seek feedback from key stakeholders in the tourism and event industry during the consultation period.

It is anticipated that if the new Policy is adopted, Council will advertise an Event Funding Application process in early 2025 whereby event organisers can apply for funding for events being held in 2025/26. Applications received through this process would be assessed against the relevant eligibility criteria by an Event Funding Evaluation Panel and the Panel would make recommendations to Council about the events to receive financial or in-kind support. This process would inform Council's 2025/26 Budget Estimates to ensure that adequate funding is available for the Event Funding Program.

The draft Policy is available in the agenda attachments, along with the draft event funding guidelines.

Recommendation

That Council requests that the Transport Commissioner lower the speed limit on Derby Back Road between Derby Station Road and Tasman Highway (southern end) from the current 100kmh to 80kmh.

Purpose

The purpose of this agenda item is to recommend the reduction of the speed limit on a section of Derby Back Road from the current 100kmh to 80kmh in accordance with Diagram 1:

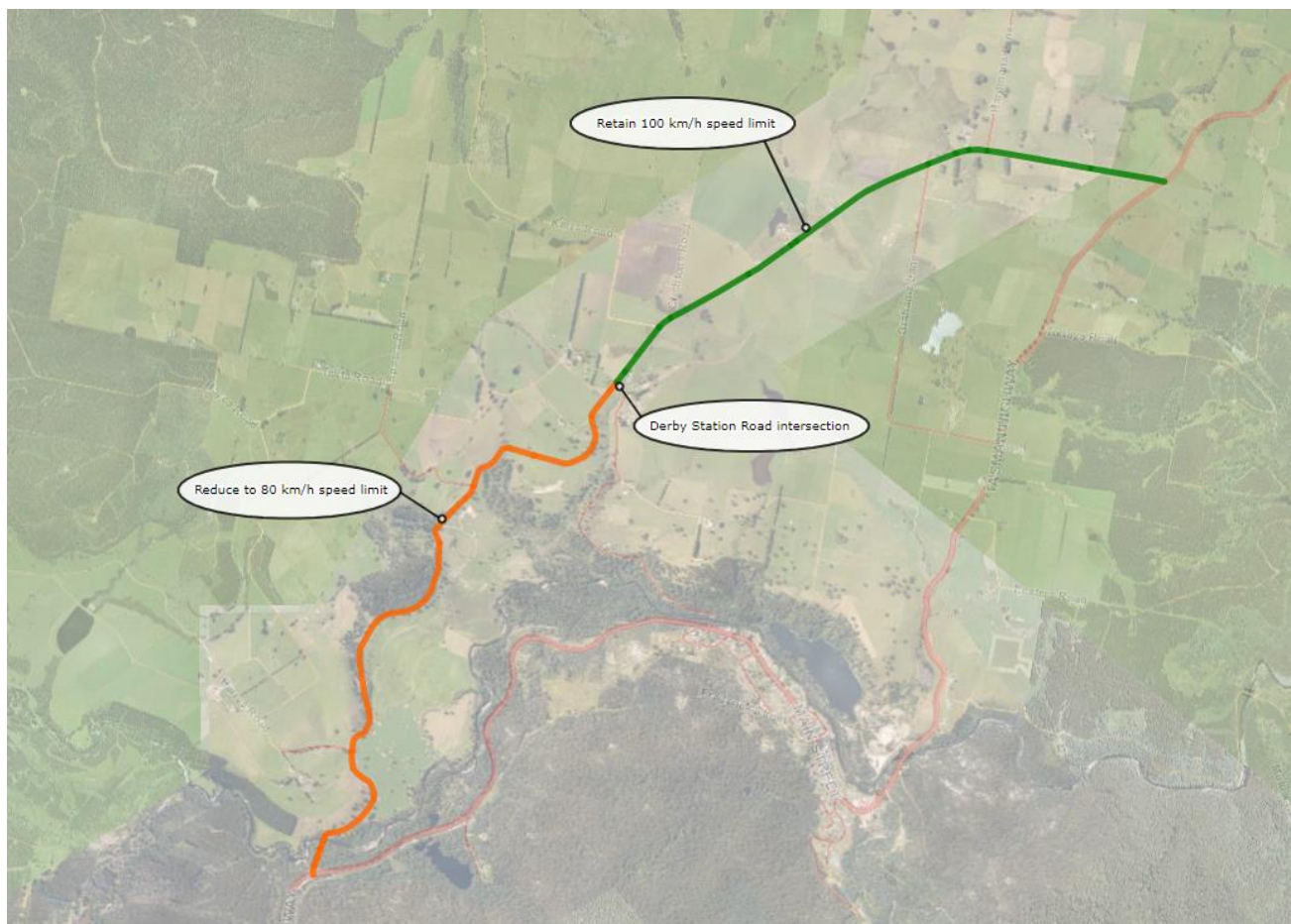


Diagram 1: Recommended speed limit configuration – Derby Back Road

Background

In a notice of Motion tabled at the 20 May Council Meeting, Commissioner Wardlaw requested that Council Officers investigate the merits of reducing the speed limit on the Derby Back Road and undertake stakeholder consultation on the findings of the investigation.

Council commissioned a Speed Zone Assessment report by Midson Traffic in July 2024 which concluded two appropriate options:

1. Lower the speed limit on the entire road from 100kmh to 80kmh.
2. Retain current speed limit between Tasman Highway (east) and Derby Station Road while lowering the speed limit between Derby Station Road and Tasman Highway (south) to 80kmh.

Planning, Environment and Statutory Requirements

- *Traffic Act 1925*

Strategic and Annual Plan

- Strategic Plan (2023 – 2032), Imperative 9.3
- Priority Projects Plan (2023 – 2025), Activity 9

Risk Management

The Midson Traffic *Derby Back Road* Speed Zone Assessment commissioned by Council in July 2024 refers to the Austroads 'Guide to Road Safety - Part 3: Safe Speed' as guidance when undertaking the assessment. The assessment notes:

In general, when setting speed limits, a range of risk factors need to be considered within the context of the Safe System approach. These include:

- *Crash risk*
- *Current operating performance*
- *Road and roadside infrastructure*
- *Geometry and roadside development*

In setting speed limits, various factors must be considered including crash risk, current operating performance, road and roadside infrastructure and road geometry. On Derby Back Road the highest crash risks stem from changes in road geometry and roadside hazards. The western section of the road has tight horizontal curves with limited sight distances due to embankments and vegetation, which poses significant crash risks.

While the crash history is consistent with a low volume rural road, the western section's roadside hazards, including steep drop-offs and trees, increase crash risk, especially at higher speeds.

It is anticipated that the likelihood and consequence of crash risk will be further mitigated by the implementation of the proposed speed limit reduction.

Financial and Asset Management Implications

N/A

Community Considerations

Although the traffic volumes on Derby Back Road are relatively low, consideration was given to its importance to Winnaleah and the surrounding community when undertaking the assessment and making the subsequent recommendations.

Consultation

Council Officers have discussed both options with the Department of State Growth who offered no objection.

Council requested community comment on both options via social media and Advertiser newspaper on 7 August 2024. Council received 49 submissions, which are summarised below:

- Support for option 1: 10
- Support for option 2: 18
- Support for no Change: 17
- Request to reduce speed limit below 80kmh: 4
- Request to introduce restrictions to truck movements on the road: 3

Over 20 submissions expressed the view that the proposed speed reduction would have minimal impact on road safety, and that the road required an upgrade. The comment below is typical of the sentiment echoed by many of the submissions:

"I Support option 2 given the stretch of the road between the Tasman Highway at the Long bridge to Station Road is only suitable for a max speed of 80kmph. The next stretch of road from Station Road to Hardmans Lane turnoff/Tasman Highway over DY Hill is suitable to a maximum speed limit of 100kmph in fine weather conditions.

I also make the point there is a general concern in the community, one which I share, that reducing speed limits on our roads and highways is a way of councils and government to not undertake required road/highway upgrades. This approach should not be a first option for Council and Government, our road infrastructure in Dorset is equally as important right across the municipality as in more built-up areas and other regions in the State."

Officer's Comments

32 submissions supported speed reduction in some form, while 17 submissions supported no change. Many of the submissions supporting no change expressed the opinion that Council was using the speed reduction safety measure as a way of deferring the more onerous task of upgrading the road.

Council's goal (in collaboration with State and Federal Government) is to see the road upgraded and Council has included the improvement of Derby Back Road in its Priority Projects Plan 2023 – 2025 to assist in advocating for external funding. The Department of State Growth is also conducting an assessment of the Tasman Highway corridor which may have implications on Derby Back Road.

As a means of improving safety on Derby Back Road for regular users in the interim, the Midson Traffic *Derby Back Road* Assessment Report clearly states the safety advantages to both local and tourist traffic

in reducing the speed limit. With 32 submissions supporting speed reduction in some form and given the proposed reduction is anticipated to have positive impact on road safety, it is recommended that Council requests that the Transport Commissioner lower the speed limit on Derby Back Road between Derby Station Road and Tasman Highway (southern end) from the current 100kmh to 80kmh.

The Midson Traffic *Derby Back Road* Assessment Report is available in the [attachments](#).

ITEMS FOR NOTING

Item 183/24 Council Workshops Held Since Last Council Meeting

3 September | Briefing Workshop

- Local Government Association of Tasmania – General Meeting Papers Discussion
- Community Consultation Updates
 - North East Rail Trail – Scottsdale to Lilydale Falls (Stage 3)
 - Winnaleah Playground
 - Gladstone Open Space
- Briefing Reports
 - Commissioners Communications
 - Correspondence
 - Master Action Listing
 - Tabling of Employee Register of Interests
 - Management Team Updates

Item 184/24 Commissioner Communications

Commissioner Wardlaw's Calendar | 15 August 2024 – 11 September 2024

August 2024

- 19 Weekly meeting with the Management Team, Council Chambers
- 19 Meeting with Tablelands Regional Council with the General Manager, Blue Derby success via Microsoft Teams
- 19 August Council Meeting, Council Chambers
- 20 Dorset Wellbeing Network Meeting, Dorset Community House
- 21 Visit to Dorset Community Men's Shed, Scottsdale
- 23 Meeting with representatives from the Launceston and North East Railway Group with General Manager, Windsor Community Precinct, Riverside
- 23 Northern Roundtable with Shadow Minister for Local Government, Anita Dow with the General Manager, Windsor Community Precinct, Riverside
- 26 Weekly catch up with Management Team, Council Chambers
- 26 Meeting with ACEN Wind representatives with General Manager and Assistant General Manager, Council Chambers
- 26 Meeting with Barry Nilsson Lawyers with the General Manager, Dorset Board of Inquiry, via Microsoft Teams
- 26 Branhholm Progress Association Meeting, Branhholm Hall
- 27 Meeting with Bass Strait Freight with General Manager and Assistant General Manager, Bridport
- 29 Dorset Digital Community Plan Forum with General Manager, Scottsdale Library

September 2024

- 2 Meeting with Bell Bay Advanced Manufacturing Zone representative Susie Bower, with the General Manager, Launceston
- 3 September Briefing Workshop, Corporate Meeting Room
- 4 LGAT Annual Conference and AGM with General Manager, Hobart
- 4 LGAT Annual Conference Dinner with General Manager, Hobart
- 5 LGAT Annual Conference with General Manager, Hobart
- 9 Weekly Meeting with the Management Team, Council Chambers
- 10 Dorset Suicide Prevention Network Meeting, Scottsdale

Record of Payments

See below table of payments made to River Road Consulting for reimbursement of expenses to the Commissioner for the 12 months ended 31 August 2024.

Payment Listing: River Road Consulting

Invoice Date	Description	Actual	GST	Total
31/08/2023	Commissioner Fees – 02/08/2023 – 31/08/2023	\$21,357.06	\$2,135.70	\$23,492.76
30/09/2023	Commissioner Fees – 01/09/2023 – 30/09/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/10/2023	Commissioner Fees – 01/10/2023 – 31/10/2023	\$22,083.33	\$2,208.33	\$24,291.66
30/11/2023	Reimbursement of Council related travel expenses (LGAT Conference and Meetings with City of Launceston, TasWater and NTDC)	\$618.29	\$61.84	\$680.13
30/11/2023	Commissioner Fees – 01/11/2023 – 30/11/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/12/2023	Commissioner Fees – 01/12/2023 – 31/12/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/01/2024	Commissioner Fees – 01/01/2024 – 31/01/2024	\$22,083.33	\$2,208.33	\$24,291.66
29/02/2024	Reimbursement of Council related travel expenses (Board of Inquiry appearance and NTDC Meeting)	\$226.44	\$22.65	\$249.09
29/02/2024	Commissioner Fees – 01/02/2024 – 29/02/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/03/2024	Commissioner Fees – 01/03/2024 – 31/03/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/03/2024	Reimbursement of Council related travel expenses (LGAT General Meeting)	\$476.00	\$47.60	\$523.60
30/04/2024	Commissioner Fees – 01/04/2024 – 30/04/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/05/2024	Commissioner Fees – 01/05/2024 – 31/05/2024	\$22,083.33	\$2,208.33	\$24,291.66
30/06/2024	Commissioner Fees – 01/06/2024 – 30/06/2024	\$22,083.33	\$2,208.33	\$24,291.66
30/06/2024	Reimbursement of Council related expenses (travel and parking for NTDC Workshop, Meeting with City of Launceston and TasWater)	\$269.07	\$26.91	\$295.98
31/07/2024	Commissioner Fees – 01/07/2024 – 31/07/2024	\$22,083.33	\$2,208.33	\$24,291.66

31/07/2024	Reimbursement of Council related expenses (travel and parking for LGAT AGM)	\$253.67	\$25.37	\$279.04
31/08/2024	Commissioner Fees – 01/08/2024 – 31/08/2024	\$22,083.33	\$2,208.33	\$24,291.66
TOTAL		\$288,200.49		\$317,020.52

See below table of payments made by Council on behalf of the Commissioner for attendance at various events or workshops for the 12 months ended 31 August 2024:

Payment Listing: Council Paid Expenditure

Invoice Date	Description	Actual	GST	Total
25/09/2023	Attendance at the Visit Northern Tas event	\$141.39	\$0.64	\$142.03
30/09/2023	2023 LGAT Annual Conference	\$880.00	\$88.00	\$968.00
30/09/2023	LGAT Annual Conference Reimbursement due to life membership (awards dinner)	-\$145.45	-\$14.55	-\$160.00
11/03/2024	Accommodation and meals at LGAT Mayor and Deputy Mayor Workshop – 13 March 2024	\$187.85	\$18.80	\$206.65
06/05/2024	Attendance at the LGAT Mayor and Deputy Mayor Workshop – 13 March 2024	\$146.65	\$14.66	\$161.31
25/06/2024	Parking – City of Launceston Meeting	\$2.18	\$0.22	\$2.40
17/07/2024	1 x Ticket to May Shaw Christmas in July event	\$45.45	\$4.55	\$50.00
19/08/2024	2024 LGAT Annual Conference ²	\$880.00	\$88.00	\$968.00
TOTAL		\$2,138.07		\$2,338.39

Item 185/24 Management Team Briefing Report

Recommendation

That Council:

1. receive and note the Management Team Briefing Report.

Purpose

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

² A portion of this expense to be reimbursed from LGAT due to life membership (awards dinner)

BUDGET UPDATE: Better Fishing Grant

Council recently applied for funding under round 3 of the Department of Natural Resources and Environment's *Better Fishing Grants* program to help fund the installation of two fish cleaning stations at two sites in Bridport, being adjacent to the Old Pier and Channel boat ramps. The project is designed to improve fishing accessibility and the quality of experience for recreational fishers in the North East, which is undoubtedly a growing region for recreational fishing participation and opportunity.

On 14 August 2024, Eric Abetz MP notified Council that its application was approved and confirmed that Council will receive funding of \$15,000. Council is contributing a further \$14,000 to the project, which was listed in the 2024/25 Capital Works Program as expenditure approved subject to funding. In accordance with the grant conditions, the project must be finished by December 2024.

COMMUNITY UPDATE: Child and Youth Safe Organisations Update

Council's internal CYSOF working group (the Group) has now drafted an Action Plan that focuses on each of the 10 CYSOF Standards and includes priority actions and timeframes for delivery.

The Group's usual activity has momentarily paused while it investigates the definition of 'entity' within the Child and Youth Safe Organisations Act 2023 with a view of clarifying whether Council is required to comply with the CYSOF. This question was raised because of the public definition on Independent Regulator's website differing from the original public definition on the Department of Justice website that was set up as an interim CYSOF resource. The Group has liaised with the Local Government Association of Tasmania's CYSOF resources through this process.

The Group is currently attaining legal advice to clarify whether Council is required to comply with the CYSOF. The Group is anticipating that the advice will confirm that Council is required to comply, at which point the Group will seek the General Manager's endorsement of the proposed Action Plan and commence rollout of the plan.

Members of the Group continue to participate in relevant webinars hosted by LGAT to support the implementation of CYSOF, and the Acting Director – Corporate Services has reached out to representatives from Northern Councils to ascertain interest in establishing a regional working group.

COMMUNITY UPDATE: Storm Damage

Tasmania was subject to a severe weather event in early September 2024 which saw Dorset experience wind gusts over 160kmh in some areas, resulting in unprecedented storm damage and power / communications outages.

Council responded to approximately 30 emergency call outs over this period and responded to the weather event as it unfolded alongside the State Government and its entities, Federal Government and commercial providers including the State Emergency Service, Tasmania Police, Tas Fire, TasNetworks, NBN Co and telecommunications providers. At the peak of the event, it is estimated that over 4,300 homes lost power and that over 550 homes experienced extended communications outages. Council was required to close 10 roads during this period due to fallen trees and/or power lines, all of which have now reopened.

Council has also been working closely with service providers including Dorset Community House, Better Health 4 Dorset and Red Cross to assist those who are impacted by ongoing power outages.

Council acknowledges the efforts of Council staff during this challenging period, including those who braved horrendous weather conditions to make roads and property safe during the storm, those who have been working to clean up storm damage since the storm concluded and those who have been coordinating logistics and recovery support for the community. Council also extends its thanks to the community for its support during this challenging period.

Officers are still assessing the physical and financial impacts of the storm damage and therefore, a full report will be provided at a future Council meeting.

COMMUNITY UPDATE: 2024/25 Budget for Northeast Park

At the 19 August Council Meeting, a public question was raised in relation to whether a submission made by Scottsdale Lions Club in relation to Northeast Park had been funded through Council's Community Budget Submissions process. In responding to that question, a commitment was made to follow up on whether there are any works planned from an operational perspective for Northeast Park.

In the 2024/25 Budget Estimates, Council has allocated \$21,000 for park maintenance and a further \$6,000 to perform priority tree maintenance in accordance with an arborist's report commissioned by Council in 2023/24. In addition, there is \$41,000 allocated in Council's Capital Works Program to complete an internal road reseal within the park.

A more comprehensive report will be prepared and provided to Council at a future briefing workshop and Council meeting.

COMMUNITY UPDATE: Blue Derby Foundation Financials 2023/24

At the 19 August Council Meeting, a resolution was passed to request that the 2023/24 financial statements from the Blue Derby Foundation (the Foundation) may be provided to Council, when available.

In accordance with the Memorandum of Understanding between Council and the Foundation, an audited statement of the Foundation's accounts is to be provided to Council by the end of December each year. The Foundation intends to publish its audited financial statements at its Annual General Meeting in October 2024, after which it will supply a copy to Council.

COMMUNITY UPDATE: Community Consultations

Winnaleah Park

Council officers recently undertook a period of consultation regarding a planned upgrade to Winnaleah Park and received a total of 5 submissions. Council is currently reviewing the submissions and liaising with internal staff to determine final concept plans and works schedule. Project updates will be advised on our website and via social media as the project progresses.

Gladstone Community Open Space

Council officers recently undertook a period of consultation regarding a concept plan outlining proposed future usage of 11-15 Edward Street, Gladstone. A total of 8 new submissions were received in addition to the 4 submissions received during initial consultation that was conducted in April 2024. Council is

currently reviewing the submissions and liaising with Gladstone Future Links and internal staff to determine a final concept plan and works schedule. Project updates will be advised in a future management briefing, on our website and via social media as the project progresses.

APPROVED APPLICATIONS | August 2024

	Approved August	Approved 2024 YTD	Approved 2023 YTD
Planning	8	77	93
Building³	5	69	68
Plumbing	5	36	46

See attachments for detailed information about applications approved in August 2024.

WASTE MANAGEMENT REQUESTS | August 2024

	Requests Received August 2024	Comparison August 2023	FYTD Received 2024/25	Comparison FYTD Received 2023/24
Feedback and Queries	-	3	1	4
Repair Bin	-	3	1	7
Replace Bin	-	4	3	8
Request a New Service	2	7	2	8
Request an Upsize/Downsize	5	6	9	12
Remove Additional Bin	-	-	-	-
Request an Additional Bin	4	1	4	2
Request to Opt Out (of Service)	-	1	-	1
Total Requests	11	25	20	42

CUSTOMER SERVICE REQUESTS | August 2024

	Requests Received August 2024	Comparison Requests August 2023	Received 2024	Comparison 2023
Animal	-	-	9	1
Bridges	-	-	-	-
Caravan Parks	-	-	3	3
Cemeteries	-	-	-	-
Community Development General	-	-	-	-




³ From 15 March 2023, Dorset Council ceased providing Building Surveying services for any new building applications. Council is still providing Plumbing Surveyor services and continues to act as the Permit Authority, as required.

Corporate Services General	-	-	-	1
Customer Service	-	-	1	-
Emergency Services Enquiries	-	-	-	-
Environmental Management & Health	-	-	3	1
Government Relations	-	-	-	-
Licencing	-	-	-	-
Parks and Reserves	1	-	6	6
Planning & Building	1	-	3	3
Public Health	-	-	1	-
Public Online Enquiries ⁴	-	1	50	7
Public Amenities	-	-	9	1
Public Halls Buildings	1	-	3	4
Recreation Grounds	2	-	8	6
Roads	7	12	122	72
Swimming Pools	-	-	-	-
Waste Management	-	-	1	3
Total Requests	12	13	219	108

A detailed copy of the 2024 Customer Service Requests is included in the [attachments](#).

2024/25 CAPITAL WORKS PROGRAM

Ref: DOC/24/9473

	Complete 2024/25
	Completed in August 2024
	Carried Forward Projects – 2025/26

PROJECT	STATUS
BRIDGES	
Bridge 1553 Boddington's Road, Bridport – timber deck renewal	
Bridge 1580 Ten Mile Track, Cuckoo – hotmix overlay	Awarded
Bridge 1508 Garibaldi Road, Pioneer – scour pretention piers (additional allocation)	Design
Bridge 1508 Garibaldi Road, Pioneer – scour protection piers	Design
STORMWATER	
Main Street, Bridport (RSL) – kerb and stormwater design only	Design
<u>Upgrade</u>	
William Street, Scottsdale (Incitec Pivot) – network upgrade	Design
<u>New</u>	
Branxholm Park – complete stormwater and seal	
Ethel Street, Scottsdale – extension into King Street	Design

⁴ Due to internal staff changes, online enquiries received from the public via Council's website were not internally re-allocated to responsible officers correctly. Internal training was undertaken during May with relevant staff, with reporting for June expected to reflect this.

Heazlewood Lane, Scottsdale – extension	Commenced
Union Street, Scottsdale – survey and plan	Investigations
Bridport Foreshore (near skate park) – survey and plan	
Esplanade, Derby – survey and plan	
Scottsdale Depot and industrial subdivision – survey and plan	

ROADS – RESHEETING

Renewal

Barnbougale Road, Bridport	Commenced
Snake Track, Legerwood	
Barnett Road, Ringarooma	
Old Waterhouse Road, Waterhouse	
Halfway Road, Waterhouse	Commenced
Talagandra Road, Waterhouse	Commenced
Jacobsons Road, Nabowla	
Cape Portland Road, Gladstone	

PROJECT

STATUS

ROADS – RESEALS

Westwood Street, Bridport
South Street, Bridport
Elizabeth Street, Bridport
Louisa Street, Bridport
Anderson Street, Bridport
Main Street, Ringarooma
Cuckoo Road, Cuckoo
Mackenzie Valley Road, Cuckoo
Ruby Flats Road, Ringarooma
Amos Road, Moorina
Moorina Cemetery Road, Moorina
Rainbows Road, Herrick
Winnaleah Road, Winnaleah
Heckrath Road, Bridport
East Minstone Road, Scottsdale

Tender Called

ROADS – OTHER PROJECTS

Timperons Road, Blumont – intersection with Golconda Road hotmix overlay	Completed
Groves Street, Gladstone – repair and reseal	Commenced
Cape Portland Road, Gladstone – seal repair and reseal	Commenced
Sledge Track, West Scottsdale – investigation of landslip	Commenced
King Street, Scottsdale – pedestrian crossing	Investigations
George Street, Scottsdale – pedestrian crossing	Investigations
Main Street, Bridport – pedestrian crossing	Consultation
Coplestone Street, Scottsdale – new 180m footpath	
Golconda Road, Golconda – safety upgrade and pavement reconstruction	Funding Agreement

BUILDINGS	
Scottsdale Depot – internal stair replacement	
Bridport Seaside Caravan Park – grey water pits near office	Planning
Branxholm Town Hall – roof replacement	Planning
Ringarooma – bar shed seal and paint bricks	Commenced
Gladstone Hall – remove old toilets and refurbish	
Scottsdale Aquatic Centre – install ventilation in plant room	Planning
All buildings in Scottsdale area – upgrade safety switches	
All buildings in Bridport area – upgrade safety switches	
All buildings in Derby area – upgrade safety switches	
Bridport Seaside Caravan Park – Goftons amenities lighting upgrade	Planning
Bridport Hall – upgrade floor coverings	Commenced
Bridport Football Club – viewing deck (additional allocation)	Completed
Bridport Hall – 3-phase power outlet outside wall	Completed
Bridport Seaside Caravan Park – planning for new camp kitchen at Goftons Beach end	
Scottsdale Railway Station Building – restoration	
PROJECT	STATUS
LAND IMPROVEMENTS	
Northeast Park, Scottsdale – reseal road	Planning
Bridport Seaside Caravan Park – road repairs (hotmix and seal)	Planning
Scottsdale Aquatic Centre – chlorinator pump replacement	Commenced
Scottsdale Aquatic Centre – concrete repair	Commenced
Scottsdale Aquatic Centre – replace ultraviolet light (water treatment)	Planning
Pine Plantation Ringarooma Road, Scottsdale – replanting	
Blue Derby Mountain Bike Trails – Tunnel stairs	
Blue Derby Mountain Bike Trails – Wotcha Upta trail renewal and upgrade	Commenced
Croquet Lawn Beach, Bridport – access improvements	Planning
Blue Derby Mountain Bike Trails – revegetation including landslip, trailhead, Lake Derby and Riverside trails	Planning
<u>Upgrade</u>	
Scottsdale, Branxholm and Winnaleah – playground equipment (Open Spaces Grant)	Planning
Ellesmere Cemetery, Scottsdale – 2 x new concrete rows and purchase headstones	
Victoria Street, Scottsdale – new shrubs and gardens	Planning
Scottsdale Depot – back flow prevention – water main	
Ellesmere Cemetery, Scottsdale – row numbering	Planning
CWA Carpark, Bridport – solar light	
Waste Transfer Stations – best practice compliance	
Scottsdale Waste Transfer Station – CCTV	
Rail Trail – Scottsdale to Lilydale Falls (additional allocation)	
CARRY FORWARD PROJECTS	
Walter Street, Bridport – stormwater (pit) upgrades	
William Street, Scottsdale (Incitec Pivot) – stormwater investigation	Design
Eastmans Beach, Bridport – amenities block renewal	Commenced

South Street, Bridport – replace kerb	Completed
Blue Derby – network signage redesign	Commenced
<u>Upgrade</u>	
Bridge 1572 Haas Road / Frenches Creek, Legerwood – upgrade to concrete	
Main and Westwood Street, Bridport Intersection – stormwater upgrade	Completed
Building Renovations (Blue Derby Foundation) - 57 Main Street, Derby	
Old Waterhouse Road, Waterhouse – safety improvements	Commenced
Blue Derby Trailhead – redevelopment (south of Main Street)	
<u>New</u>	
Gladstone Community Park	Consultation
Scottsdale Depot – relocated storage shed	Planning
Scottsdale Waste Transfer Station – roof covering spare bin area	
Derby Depot – new trail crew storage shed	Planning
Rail Trail – Scottsdale to Lilydale Falls	Consultation

Recommendation

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public:

CLOSED SESSION ITEMS

Purpose

The purpose of this agenda item is to review and accept the recommendation of the tender assessment committee to purchase a new hook lift container transport truck - as quoted by Council's preferred tenderer - for use by Council's Waste Management team.

This item is considered in closed session in accordance with Regulation 15 (2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*

"15 (2)(d):

contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal"

Purpose

The purpose of this agenda item is to recommend the awarding of Contract 2024/25-02 – Bituminous Sealing of Roads to a preferred tenderer.

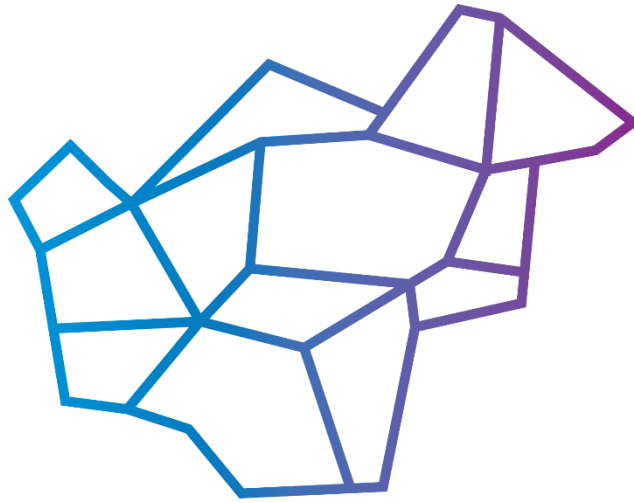
This item is considered in closed session in accordance with Regulation 15 (2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*

"15 (2)(d):

contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal"

CLOSURE OF MEETING

Time Meeting Closed:



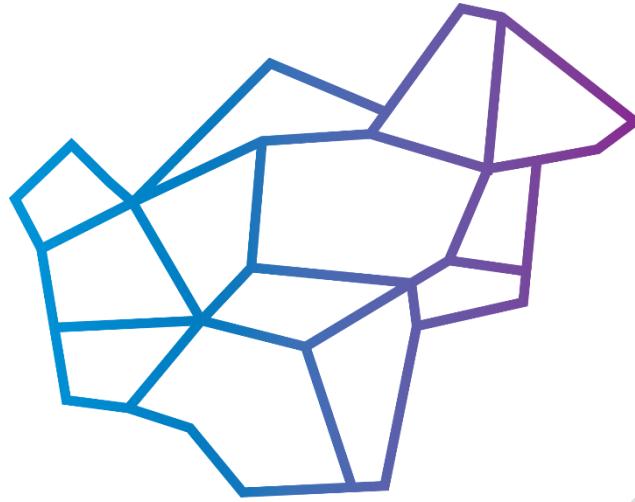
dorset
C O U N C I L

Ordinary Council Meeting

Agenda Attachments

16 September 2024

it's in the making



dorset
C O U N C I L

Minutes

Council Meeting

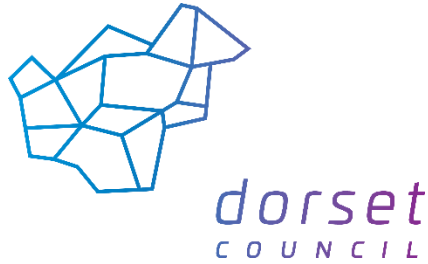
19 August 2024

COUNCIL CHAMBERS

it's in the making

Ordinary Meeting of Council

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Council Meeting Minutes 19 August 2024

Meeting Opened: 6:00 pm

Present: Commissioner Andrew Wardlaw

General Manager: John Marik, Assistant General Manager / Director – Community & Development: Rohan Willis, Acting Director – Corporate Services: Lauren Tolputt, Executive Assistant: Sarah Forsyth

Apologies: Nil

Acknowledgement of Country

Dorset Council acknowledges the deep history and culture of the First People who were the traditional owners of the lands and waterways where we live and work. We acknowledge the clans-people who lived here for over a thousand generations on the Country where Scottsdale is built and throughout the area we know as the north east region.

Dorset Council acknowledge the present-day Aboriginal custodians and the inclusive contribution they make to the social, cultural and economic essence of the municipality.

PROCEDURAL ITEMS

Item 155/24 Declaration of an Interest of the Commissioner or Close Associate

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Nil

Item 156/24 Confirmation of Ordinary Council Meeting Minutes – 22 July 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 22 July 2024 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 22 July 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED

Item 157/24 Confirmation of Special Meeting of Council Minutes – 25 July 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Special Meeting held on Thursday, 25 July 2024 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Special Meeting held on 25 July 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED

The Chair to advise if there are any questions in relation to the Special Meeting Closed Session Minutes that would require them to be discussed in Closed Session.

The Chair reported that he had viewed the minutes of the Special Meeting Closed Session held on Thursday, 25 July 2024 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That the Minutes of Proceedings of the Dorset Council Special Meeting Closed Session held on 25 July 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED**DECISION****MOVED / SECONDED: Commissioner Wardlaw**

That Council confirm the Agenda and order of business for the 19 August 2024 Council Meeting, with the following noted:

- Tabled correspondence from Minister for Local Government, Hon. Nic Street MP (attached) relating to the Dorset Council Board of Inquiry.
- Received a statement from Commissioner Wardlaw in response to correspondence received:

DORSET COUNCIL – MINISTER'S RESPONSE TO BOARD OF INQUIRY REPORT

On Friday, 16 August 2024, the Minister informed Dorset Council that, after considering the Council's submission, he has directed the Board of Inquiry to reconsider its report.

Commissioner Wardlaw stated: "The Report provided to the Minister by the Board of Inquiry was not provided to Dorset Council, leaving us unable to adequately address the findings that were being considered by the Minister."

The Council did advise the Minister that, despite its concerns, it believed it was in the best interest of the community that the Inquiry be brought to completion.

The Commissioner added: "While it was unexpected that the Minister would refer the report back to the Board, Council welcomes the opportunity to address the Report, directly with the Board of Inquiry, and provide informed commentary to ensure natural justice is upheld."

Council looks forward to engagement with the Board in a timely manner allowing the Report to be returned to the Minister as soon as possible.

CARRIED

The following question was **taken on notice** at the 22 July 2024 Council Meeting:

Jason Sarich (Secretary of the North East Cricket Association and President of the Bridport Cricket Club)

(question is in relation to Item 143/24 – draft Northern Tasmania Sports Facility Plan – Dorset Council Addendum)

I've spoken to all other clubs in the North East Cricket Association, and I have also spoken to the Scottsdale Football Club and to Cricket Tasmania. None of them were asked any questions relating to this Report, is that correct?

Response from General Manager, John Marik:

Council can confirm that cricket clubs within Dorset and the North East Cricket Association will be liaised with in relation to the draft Northern Tasmania Sports Facility Plan – Dorset Council Addendum (the Report), with their views and priorities included in the final Report.

On investigation, the Scottsdale Football Club were involved in the initial interviews with their views included in the draft Report.

The following questions have been **received on notice**:

Mr Karl Willrath, Scottsdale | 9 August 2024

1. *Before allowing Dorset staff to take up any more time on possible Rail Trail extensions, did commissioner Wardlaw exercise due diligence and walk, ride or run the length of the current Trail and if so on what date or dates did this happen?*

Response from Commissioner Andrew Wardlaw:

I participated in the 14 km event at the 2023 Rail Trail Run and Ride in early September 2023 which commenced and concluded at the Scottsdale Railway Station. Also, on Saturday, 4 November 2023, I rode the full length of the North East Rail Trail from top of the Billycock to Scottsdale.

2. *If the commissioner did walk, ride or run the full length of the current Trail, did he happen to count the multiple vehicle access points along the Trail that are being used bybasically every one, registered or otherwise?*

Response from Commissioner Andrew Wardlaw:

The road crossings and access points were observed during the bike ride, however no data was collected.

3. *What is the current maximum permissible speed limit on the Trail for authorised/unauthorised vehicles and by not preventing everyone/anyone to drive on the Trail is there an estimated time frame for someone being killed or injured because of this lack of responsible management?*

Response from Assistant General Manager, Rohan Willis:

The North East Corridor is not a public road and is therefore not subject to vehicle speed limits that can be enforced under the Tasmanian Road Rules. Use of the Corridor by unauthorised or

unpermitted vehicles would be subject to penalties imposable under Part 14 of the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*.

The following questions were received without notice from members of the public:

Mr Karl Willrath, Scottsdale

I thank the commissioner and Mr Willis for answering my questions on notice. Is Mr Willis suggesting that it is up to GM Marik to impose limits, bollards, signage and penalty notices or is he suggesting that specific parts of Division 2, Functions and powers generally of corridor managers of the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 should have already been exercised by the relevant minister?

Response from Assistant General Manager, Rohan Willis:

Council's General Manager would make decisions in relation to restricting unauthorised vehicle access of the corridor as the corridor manager.

Louise Brooker, Bridport

Commissioner, as you know I was at the Council Meeting on the 18 September 2023 when you examined the 372-page development application for the 20 units at Barnboughle.

At that meeting we were told the units would be built behind the fore-dune. You asked for clarification about the rear toe of the dune and you passed a motion to allow the development to go ahead with the understanding that the units would be built "well back from the toe" (quote Town Planner). My questions relate to a discrepancy that has become obvious between the plans as exhibited and passed on 18 September 2023 and the position of the works that are currently being carried out:

- 1. Commissioner: Are you aware that the unit being built at the moment is not in the position you gave permission for, and that vegetation on the foredune has been removed and burnt in order for a deck which will in Mr Sattler's words: "give visitors the nice effect of being on really genuine beach front"?*
- 2. Who gave permission for the position of the units to be moved? Is the Crown Lands authority aware of the changes? Indeed, are they even aware of the development per se?*
- 3. In light of the fact that the dune has been modified, what will be done to rectify the situation and what steps will be taken to ensure that all the remaining vegetation at the site remain intact during future construction?*

Response from Director – Community & Development, Rohan Willis:

I will note these questions and advise that I have been liaising with Property Services Officers after concerns were raised last week, with investigations to take place.

Mary Schramm, Ringarooma

My questions relate to the medical facility in Scottsdale. Does the Council own the building in which Ochre medical conducts its clinics? And if not, then who is the owner – is it in public, private or corporate hands?

Response from Assistant General Manager, Rohan Willis:

It is privately owned as far as Council are aware.

Response from Commissioner Andrew Wardlaw:

To answer the first part of the question, it's not owned by Council.

So does the Council have any function in relation to the services that are provided there?

Response from Assistant General Manager, Rohan Willis:

No.

The land on which the clinic is built, was that Crown land or state health department land?

QUESTION TAKEN ON NOTICE

If Ochre is privately owned, then of course the Council may not be in a position to answer this, but my question is whether Ochre are owners of the building or tenants or lessors of the building and if they are lessors, what is the term of the lease?

Response from Commissioner Andrew Wardlaw:

You are asking questions that Council are unable to answer as we don't have any connection with the facility. They are a private practice providing services to the Dorset community. However, any information we can provide we will do so post this meeting.

And the third question relates to accountability. Are Ochre in contract with any recognised body in relation to the services that should be provided there and the guidelines within which they are provided?

Response from Commissioner Andrew Wardlaw:

The questions you are asking probably should be directed to your local member as I think any relationship that would be there would be between Ochre and the State Government?

Mervyn Chilcott, Scottsdale

I submitted a submission on behalf of the Lions Club in regard to renewal of Northeast Park. I didn't get a reply that the submission was accepted, so I don't know whether it was or not. I was hoping to get some money from the Council and have some work done down there to improve the Park. Was that submission received and did the Lions Club get anything in the budget for Northeast Park?

Response from Acting Director – Corporate Services, Lauren Tolputt:

My understanding is that all submissions have received a response, so, if you haven't apologies, and I will follow that up with the Officer who was coordinating responses to the community budget submissions. My understanding is that there was nothing funded through the budget process for the Lions Club for the Northeast Park renewal.

Further Response from Commissioner Andrew Wardlaw:

Council will investigate why you haven't received a response to the submission and will also follow up on if there are any works planned from an operational perspective for Northeast Park.

Further Response from General Manager, John Marik:

Council advertised a public submission process to obtain feedback from the community on what's important to them, and you've stated that the Lions Club made a submission on Northeast Park. There's been various infrastructure studies undertaken including playgrounds, sporting precincts, etc. and we're going to be doing other reviews of infrastructure in the future. Council are then going to prioritise those items. This will be a decision of a future Council to make based on prioritisation criteria to allow trade off decisions as to where and when we spend money. So, I'm not saying we're not going to spend money on Northeast Park, but there's a pretty large series of submissions that will be assessed.

In regard to the correspondence from the Minister earlier on, who is the Council? Are you the Council or who is the Council?

Response from General Manager, John Marik:

To clarify, the Commissioner is effectively the 9 elected councillors and known collectively as the Council. My role and the team's role remains unchanged and operates the same as when there is an elected council. So, there is that delineation, and we as Officers work like we would with 9 Councillors, except we've got 1 Commissioner.

Response from Commissioner Andrew Wardlaw:

Council were provided with an opportunity to respond to the Minister after the Board of Inquiry provided the report. The Council submission was prepared in consultation with the General Manager and with Council's legal advisor and provided back to the Minister. This was a formal submission from the Council and was endorsed by Council at the Special Meeting of Council, Closed Session held on 25 July 2024.

There was genuine need for a submission and it wasn't just prolonging the process?

Response from Commissioner Andrew Wardlaw:

No. As I said in my statement earlier, we did advise the Minister despite our concerns, it is believed it was in the best interest of the community that the inquiry be brought to completion. So, Council didn't request that the report be sent back to the Board of Inquiry. Council wanted the process to keep going. The Minister has decided for his reasons, after reviewing our submission, that he's thought that natural justice should be provided, and it should go back to the Board of Inquiry for the Board of Inquiry to talk to the Council about.

Later in tonight's meeting there's an item to be discussed relating to a new track at Derby to be established. It seems as though it's going to be discussed as to whether that new track goes ahead with no extra quotes apart from the one that you've got already. Isn't that one of the articles from the Board of Inquiry that the Council was criticised that transfer established with only one quote and not any other quotes in?

Response from Commissioner Andrew Wardlaw:

In relation to your question, I can't talk about what's in the Board of Inquiry report for confidentiality reasons, but in relation to the matter in tonight's agenda, this has been prepared considering particulars and legal advice obtained.

So how do we know we're getting good value for money on spending \$125,000?

Response from Assistant General Manager, Rohan Willis:

It is not appropriate to pre-empt debate on an item up for discussion at this meeting.

There's a discussion also coming up tonight about a pedestrian crossing in Bridport near Henry Street. Have the rules and regulations been changed regarding crossings across the Main Street? Previous discussions on this matter advised that a pedestrian crossing couldn't be placed there.

Response from Commissioner Andrew Wardlaw:

I can't comment in relation to what advice has been provided in the past. Council have obtained traffic engineering advice of what could and couldn't be undertaken and have liaised with the Department of State Growth, with funding secured from the State Government. Concept drawings have been prepared that have been endorsed as compliant, which is for a wombat crossing in Main Street, Bridport, with Council currently advertising these drawings for community feedback.

Item 161/24 Deputations

Nil

Item 162/24 Commissioner Question Time

The following questions were received without notice from the Commissioner:

Nil

Item 163/24 Applications for Leave of Absence

Nil

Item 164/24 Notices of Motion by the Commissioner

Nil

ITEMS FOR DECISION

Item 165/24

Blue Derby Mountain Bike Trails | Procurement Exemption and Budget Variation

Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt

Ref: DOC/24/11020

Purpose

The purpose of this agenda item is to exempt the procurement associated with the construction of a new mountain bike trail from Council's procurement process to enable Council to authorise a funding agreement between Shimano, the Blue Derby Foundation (the Foundation) and Council.

Recommendation

That Council, by absolute majority:

1. Exempts the procurement of a contractor for the construction of a new mountain bike trail valued at \$125,000 from Council's procurement process;
2. Resolves that a satisfactory result would not be achieved by inviting quotations in accordance with Council's Code for Tenders and Contracts due to extenuating circumstances, being:
 - a. That alternative options are not viable, due to the funding being linked to Shimano retaining the right to nominate the contractor;
 - b. To assist in the development of a new project (a new mountain bike trail) in conjunction with a private sector business which is funding the project; and
 - c. Other exceptional circumstances, being that Council is at risk of not receiving the funding for the project if it seeks public requests for quotations.
3. Approves a variation to the 2024/25 Budget Estimates of \$125,000 external funding to be received for the construction of a new mountain bike trail;
4. Approves a variation to the 2024/25 Capital Works Budget of \$125,000 for the construction of the new mountain bike trail; and
5. Notes that Shimano is also passing on \$30,000 to the Blue Derby Foundation as a contribution to ongoing trail maintenance, which the Blue Derby Foundation will pass on to Council over a period of 3 years from 2025/26.

Amendment to Original Recommendation

3. Confirm that the contract is to be entered into with World Trail, being the nominated contractor by Shimano Australia;
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council, by absolute majority:

1. Exempts the procurement of a contractor for the construction of a new mountain bike trail valued at \$125,000 from Council's procurement process;
2. Resolves that a satisfactory result would not be achieved by inviting quotations in accordance with Council's Code for Tenders and Contracts due to extenuating circumstances, being:
 - a. That alternative options are not viable, due to the funding being linked to Shimano retaining the right to nominate the contractor;
 - b. To assist in the development of a new project (a new mountain bike trail) in conjunction with a private sector business which is funding the project; and
 - c. Other exceptional circumstances, being that Council is at risk of not receiving the funding for the project if it seeks public requests for quotations.
3. Confirm that the contract is to be entered into with World Trail, being the nominated contractor by Shimano Australia;
4. Approves a variation to the 2024/25 Budget Estimates of \$125,000 external funding to be received for the construction of a new mountain bike trail;
5. Approves a variation to the 2024/25 Capital Works Budget of \$125,000 for the construction of the new mountain bike trail; and
6. Notes that Shimano is also passing on \$30,000 to the Blue Derby Foundation as a contribution to ongoing trail maintenance, which the Blue Derby Foundation will pass on to Council over a period of 3 years from 2025/26.

CARRIED

Item 166/24

Blue Derby Mountain Bike Trails | Quarterly Report

Reporting Officer: General Manager, John Marik

Ref: DOC/24/11004 | Foundation Chair Report: DOC/24/10941

Purpose

The purpose of this agenda item is to provide Council with the Blue Derby Mountain Bike Trails 2024/25 unaudited financial update for Dorset Council operations, the Blue Derby Foundation (the BDF) Chair Report as at June 2024 and the BDF 2024/25 Budget. The report also includes any significant adverse events relating to the performance of the Memorandum of Understanding (MoU) with the BDF.

Recommendation

That Council receives:

1. the Blue Derby Mountain Bike Trails 2024/25 unaudited financial update for Dorset Council operations;
2. the Blue Derby Foundation Chair Report as at June 2024; and
3. the Blue Derby Foundation 2024/25 Budget.

Dorset Council | Ordinary Meeting of Council | Minutes | 19 August 2024

Ref: DOC/24/11192

Amendment to Original Recommendation

That Council:

1. Receive the Blue Derby Mountain Bike Trails 2023/24 unaudited financial update for Dorset Council operations;
 2. Receive the Blue Derby Foundation Chair Report as at June 2024;
 3. Request the Blue Derby Foundation to review their 2024/25 Budget with a view of including a contribution to Dorset Council for trail maintenance; and
 4. Request the 2023/24 financial statements from the Blue Derby Foundation may be provided to Council, when available.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. Receive the Blue Derby Mountain Bike Trails 2023/24 unaudited financial update for Dorset Council operations;
2. Receive the Blue Derby Foundation Chair Report as at June 2024;
3. Request the Blue Derby Foundation to review their 2024/25 Budget with a view of including a contribution to Dorset Council for trail maintenance; and
4. Request the 2023/24 financial statements from the Blue Derby Foundation may be provided to Council, when available.

CARRIED

Item 167/24 **Bridport Seaside Caravan Park | 2023/24 End of Year Report**
Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt
Ref: DOC/24/11019

Purpose

The purpose of this agenda item is to provide an update to Council on the Bridport Seaside Caravan Park (the Park) following the implementation of a temporary operating model approved in the August 2023 Council Meeting (Item 129/23).

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council receives and notes:

1. the Bridport Seaside Caravan Park 2023/24 unaudited operating results; and
2. the Bridport Seaside Caravan Park operations update.

CARRIED

Item 168/24

Dorset Priority Projects Plan 2023-2025 | Update

Reporting Officer: General Manager, John Marik

Ref: DOC/24/8900 | Priority Projects Plan – July 2024 Update: DOC/24/8901

Purpose

The purpose of this agenda item is to update the community on the progress of the Priority Projects Plan 2023 - 2025.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. note the progress report and updates in relation to the Priority Projects Plan; and
2. note that the community can follow priority project updates on Council's website under Building, Planning and Projects / Major Projects.

CARRIED

ITEMS FOR NOTING

Item 169/24

Council Workshops Held Since Last Council Meeting

6 August | Briefing Workshop

Item 170/24

Commissioner Communications

Commissioner Wardlaw's Calendar | 18 July 2024 – 14 August 2024

July 2024

- 22 Meeting with Barry Nilsson Lawyers with General Manager, via Microsoft Teams
- 22 Weekly catch up with Management Team, Council Chambers
- 22 July Council Meeting, Council Chambers
- 23 Ochre Health Community Q&A Session, Ochre Health Centre, Scottsdale
- 24 Catch up with May Shaw CEO, Fiona Onslow-Agnew and tour of May Shaw Facility, Scottsdale
- 24 Meeting with Barry Nilsson Lawyers with General Manager, via Microsoft Teams
- 25 Special Meeting of Council, Board of Inquiry Report Response Submission, Council Chambers
- 26 LGAT General Meeting and Annual General Meeting with the General Manager, Devonport
- 26 May Shaw Christmas in July fundraising event, Scottsdale Football Clubrooms
- 27 North Eastern Netball Association Grand Final Day, Presentation of NetSetGo Participation Certificates, Scottsdale Netball Courts
- 29 Weekly catch up with Management Team, Council Chambers
- 29 Meeting with Acting Director of Local Government and Andrei Norris with General Manager, via Microsoft Teams
- 29 Meeting with Lester Rainbow with General Manager, update on Winnaleah Irrigation Scheme, Council Chambers
- 29 Branhholm Progress Association Meeting, Branhholm Hall
- 30 Onsite meeting with ratepayer, Scottsdale
- 31 Onsite meeting with Scottsdale Football Club representatives, Scottsdale Recreation Ground

August 2024

- 1 Tas Irrigation Consultation Meeting – Scottsdale Winter Water with General Manager, Scottsdale Football Clubrooms
- 4 Tassie Scallop Fiesta, Bridport Village Green
- 5 North East Tasmania Chamber of Commerce Meeting, Dorset Community House
- 6 August Briefing Workshop, Council Chambers
- 6 Dorset Suicide Prevention Network Annual General Meeting, Scottsdale
- 6 Meeting with community member, Council Chambers
- 7 Northern Tasmania Development Corporation, Management Representative Group Meeting, via online meeting software
- 7 Dorset Coastal Working Group Meeting with Acting Director – Infrastructure, Bridport
- 8 Meeting with community members, Council Chambers
- 8 Dorset Connector Transport Service Launch with General Manager, Health Consumers Tas Office, Scottsdale
- 10 Scottsdale Bike Park Official Opening with General Manager, Scottsdale Childrens Reserve
- 13 Weekly catch up with Management Team, Council Chambers
- 14 Gladstone Future-Links Meeting, Gladstone Hall

Record of Payments

See below table of payments made to River Road Consulting for reimbursement of expenses to the Commissioner for the 12 months ended 31 July 2024.

Payment Listing: River Road Consulting

Invoice Date	Description	Actual	GST	Total
31/08/2023	Commissioner Fees – 02/08/2023 – 31/08/2023	\$21,357.06	\$2,135.70	\$23,492.76
30/09/2023	Commissioner Fees – 01/09/2023 – 30/09/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/10/2023	Commissioner Fees – 01/10/2023 – 31/10/2023	\$22,083.33	\$2,208.33	\$24,291.66
30/11/2023	Reimbursement of Council related travel expenses (LGAT Conference and Meetings with City of Launceston, TasWater and NTDC)	\$618.29	\$61.84	\$680.13
30/11/2023	Commissioner Fees – 01/11/2023 – 30/11/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/12/2023	Commissioner Fees – 01/12/2023 – 31/12/2023	\$22,083.33	\$2,208.33	\$24,291.66
31/01/2024	Commissioner Fees – 01/01/2024 – 31/01/2024	\$22,083.33	\$2,208.33	\$24,291.66
29/02/2024	Reimbursement of Council related travel expenses (Board of Inquiry appearance and NTDC Meeting)	\$226.44	\$22.65	\$249.09
29/02/2024	Commissioner Fees – 01/02/2024 – 29/02/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/03/2024	Commissioner Fees – 01/03/2024 – 31/03/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/03/2024	Reimbursement of Council related travel expenses (LGAT General Meeting)	\$476.00	\$47.60	\$523.60
30/04/2024	Commissioner Fees – 01/04/2024 – 30/04/2024	\$22,083.33	\$2,208.33	\$24,291.66
31/05/2024	Commissioner Fees – 01/05/2024 – 31/05/2024	\$22,083.33	\$2,208.33	\$24,291.66
30/06/2024	Commissioner Fees – 01/06/2024 – 30/06/2024	\$22,083.33	\$2,208.33	\$24,291.66
30/06/2024	Reimbursement of Council related expenses (travel and parking for NTDC Workshop, Meeting with City of Launceston and TasWater)	\$269.07	\$26.91	\$295.98
31/07/2024	Commissioner Fees – 01/07/2024 – 31/07/2024	\$22,083.33	\$2,208.33	\$24,291.66
TOTAL		\$265,863.49		\$292,449.70

See below table of payments made by Council on behalf of the Commissioner for attendance at various events or workshops for the 12 months ended 31 July 2024:

Payment Listing: Council Paid Expenditure

Invoice Date	Description	Actual	GST	Total
25/09/2023	Attendance at the Visit Northern Tas event	\$141.39	\$0.64	\$142.03
11/03/2024	Accommodation and meals at LGAT Mayor and Deputy Mayor Workshop – 13 March 2024	\$187.85	\$18.80	\$206.65
06/05/2024	Attendance at the LGAT Mayor and Deputy Mayor Workshop – 13 March 2024	\$146.65	\$14.66	\$161.31
25/06/2024	Parking – City of Launceston Meeting	\$2.18	\$0.22	\$2.40
17/07/2024	1 x Ticket to May Shaw Christmas in July event	\$45.45	\$4.55	\$50.00
TOTAL		\$523.52		\$562.39

Purpose

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council's Management Team.

COMMUNITY UPDATE: Road Safety Initiatives**DECISION**

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. receive and note the community update on road safety initiatives; and
2. receive and note the Management Team Briefing Report.

CARRIED

Time Meeting Closed: 7:24 pm

Minutes Confirmed: 16 September 2024

Minute No:

.....
Commissioner

Minister for Finance
Minister for Local Government
Minister for Sport and Events

Level 5, 4 Salamanca Place, HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 03 6165 7794
Email: Minister.Street@dpac.tas.gov.au



16 AUG 2024

Mr Andrew Wardlaw
Commissioner
Dorset Council
Commissioner@dorset.tas.gov.au

Dear Commissioner

I write in relation to the Dorset Council Board of Inquiry.

I refer to the Council's submission of 25 July 2024 in relation to the Board's findings and recommendations. I note that this submission asserts that the Board of Inquiry failed to afford the Council procedural fairness by not providing it with an opportunity to make submissions on the Board's draft findings and recommendations prior to submitting its report to me under section 224(1) of the *Local Government Act 1993* (the Act).

Having considered this matter, I have formed the view that it is appropriate to direct the Board to reconsider its report in accordance with section 224(2) of the Act. Accordingly, I have now issued the Board with such a direction.

I have made this decision in recognition of the Board's obligation to observe the rules of natural justice and in the interests of ensuring a fair and proper process for the Council. I appreciate that it is in the best interests of the Dorset community to resolve this process as soon as possible, however it is vital that all legal requirements are met.

Thank you for your cooperation and patience with this matter.

Yours sincerely

Hon Nic Street MP
Minister for Local Government



Policy 32 – Public Interest Disclosures Act 2002

Ref: DOC/20/14125

Adopted: 17 October 2011

Minute 146/11

Version: 54

Reviewed Date: 19 April 2021
July 2024
14 August 2024

Council Minute No: 59/21

Statutory Authority: **Public Interest Disclosures Act 2002**

Style Definition: Heading 1: No bullets or numbering

Public Interest Disclosure Model Procedures

Dorset Council Procedures

*(Adopted the Model Procedures to be followed by public bodies provided by Ombudsman
Tasmania: Issued – 25 November 2020 – Version 1.1 (updated 8 April 2021))*

Next Review Date: 26 March 2024
August 2027

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Statement of Support

The Dorset Council is committed to the aims and objectives of the Public Interest Disclosures Act 2002 (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The Dorset Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

The Dorset Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

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
- Dorset Council protects disclosers and affords procedural fairness¹ 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 procedures within the organisation where appropriate.

Existing grievance procedures are outlined in Dorset Council Policy 18 – Customer Service Charter which is reviewed by Council within 12 months after a Council election.

¹ Referred to as natural justice in the Act.

The procedures have been prepared in accordance with the Ombudsman's *Guideline OneTwo: Procedures for Public Bodies*. This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au

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);²
- 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 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).

² 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.

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

Roles and responsibilities

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

4.1. Members, officers and employees

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

All public officers of Dorset 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 Dorset 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 Dorset 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 s 62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- act 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 8.1 for a list of Dorset 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 Dorset 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 Dorset 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;³
- 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.

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

Who can make a disclosure?

5.1. Public officers

Any current public officer⁴ can make a disclosure to Dorset Council under the Act. This includes all employees and councillors of Dorset 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.

Whether a volunteer is a public officer or not will depend on the circumstances. A volunteer who is a member of a public body, such as a volunteer firefighter under the Fire Service Act 1979, is a public officer but if there is no legislative instrument relating to the appointment of a volunteer, such as through a council run community program, it is likely they are not a public officer. Volunteers who are not public officers can still make disclosures though as a member of the public and should be referred to the Ombudsman or Integrity Commission

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 Dorset 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

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

⁴ This can include a public officer from another public body

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 s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

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 Dorset Council as a whole or the Principal Officer of Dorset 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.⁵

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;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- 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

⁵ See Public Interest Disclosure Guideline ~~Two~~One: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au

- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

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

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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 councillor, 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 disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission

How to make a disclosure

Public officers can make a disclosure about other public officers of Dorset 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; and
- a Public Interest Disclosure Officer.

8.1. Public Interest Disclosure Officers

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

- Director – Corporate Services

If someone wants to make a disclosure about the Principal Officer or Dorset 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 3 Ellenor Street, Scottsdale or emailed to disclosure@dorset.tas.gov.au Access to this email inbox is restricted to the Principal Officer and delegated Public Interest Disclosure Officers.

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
Email: 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
Email: contact@integrity.tas.gov.au
Phone: 1300 720 289

Confidentiality

Dorset 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 Dorset 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.

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 Dorset 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.⁶ 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 Dorset Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

⁶ 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?](#)

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 2 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 Dorset 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

Dorset 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.

Dorset 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, Dorset 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, Dorset 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 Dorset 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.

Protection

11.1. When does protection commence?

Where Dorset 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.

Investigation

12.1. Introduction

Any disclosure Dorset 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.

Dorset 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, Dorset 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.

Dorset 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.⁷

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:

⁷ 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 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.

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 Sector⁸ 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

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

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.

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.

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 Dorset Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Dorset 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, Dorset 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 or the Dorset Council (where disclosure relates to an employee of Council) and 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.

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 Dorset 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 Dorset Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Dorset 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, Dorset 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 Dorset 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.

Management of the person against whom a disclosure has been made

Dorset 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.

Dorset 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 Dorset 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.

Dorset 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 Dorset Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on ~~26 March 2021~~ ~~xxxxx~~ 14 August 2024.

The procedures will be submitted to the Ombudsman for review at least once every three 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).

The date by which the procedures must be submitted to the Ombudsman for review is ~~26 March 2024~~ ~~xxxxxx~~ August 2027.

Attachment 1: Assessment of disclosure form

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing 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

Part	Question	Answer
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:

Attachment 2: Risk assessment template

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing officer:

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 | <input type="checkbox"/> Other (e.g. Tasmanian Government, the general public) |
| <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:

Public Interest Disclosure Officer or Principal Officer – Type Name

Date of approval

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:

*Thank you to the Queensland Ombudsman for the use of some of its
risk assessment materials in this template.*

Attachment 3: Ombudsman notification template

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:

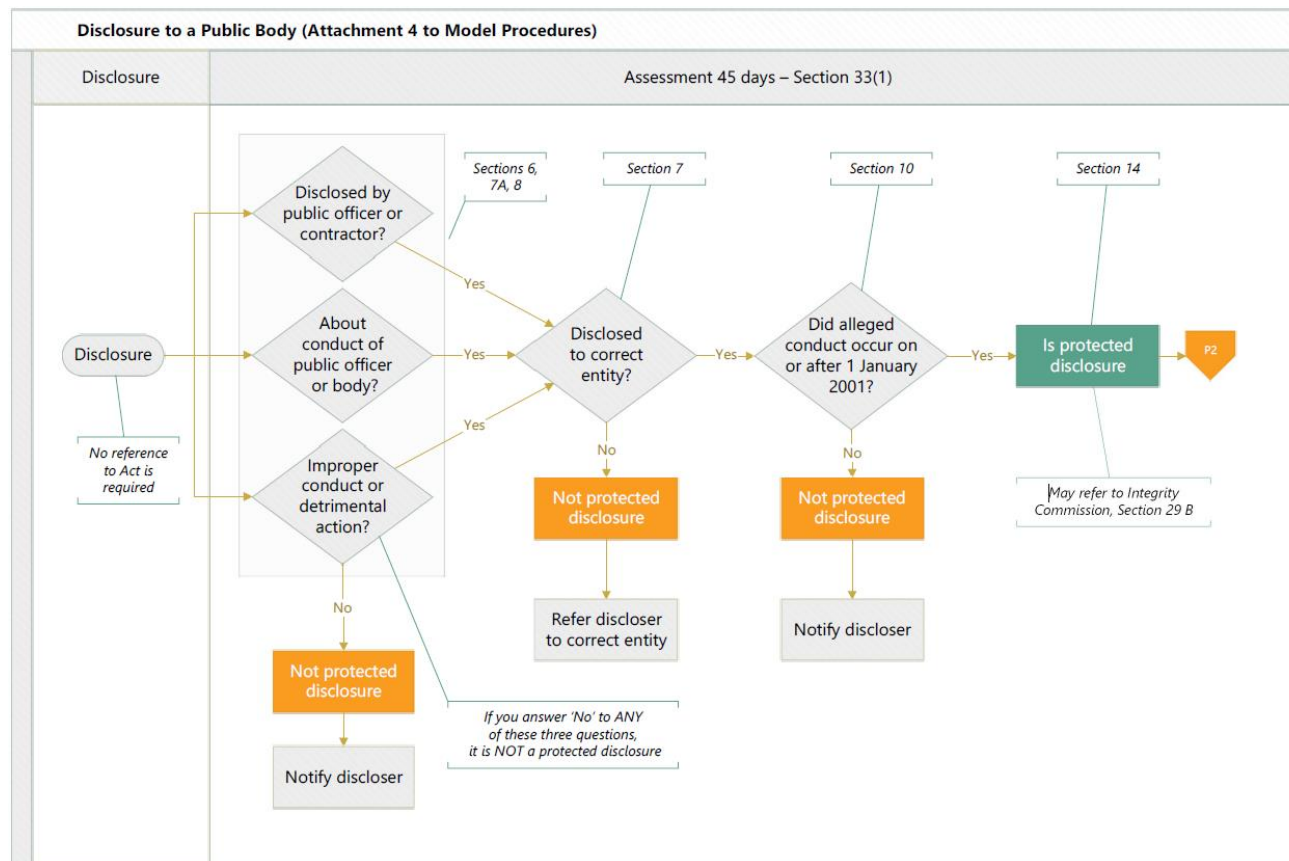
Notification type

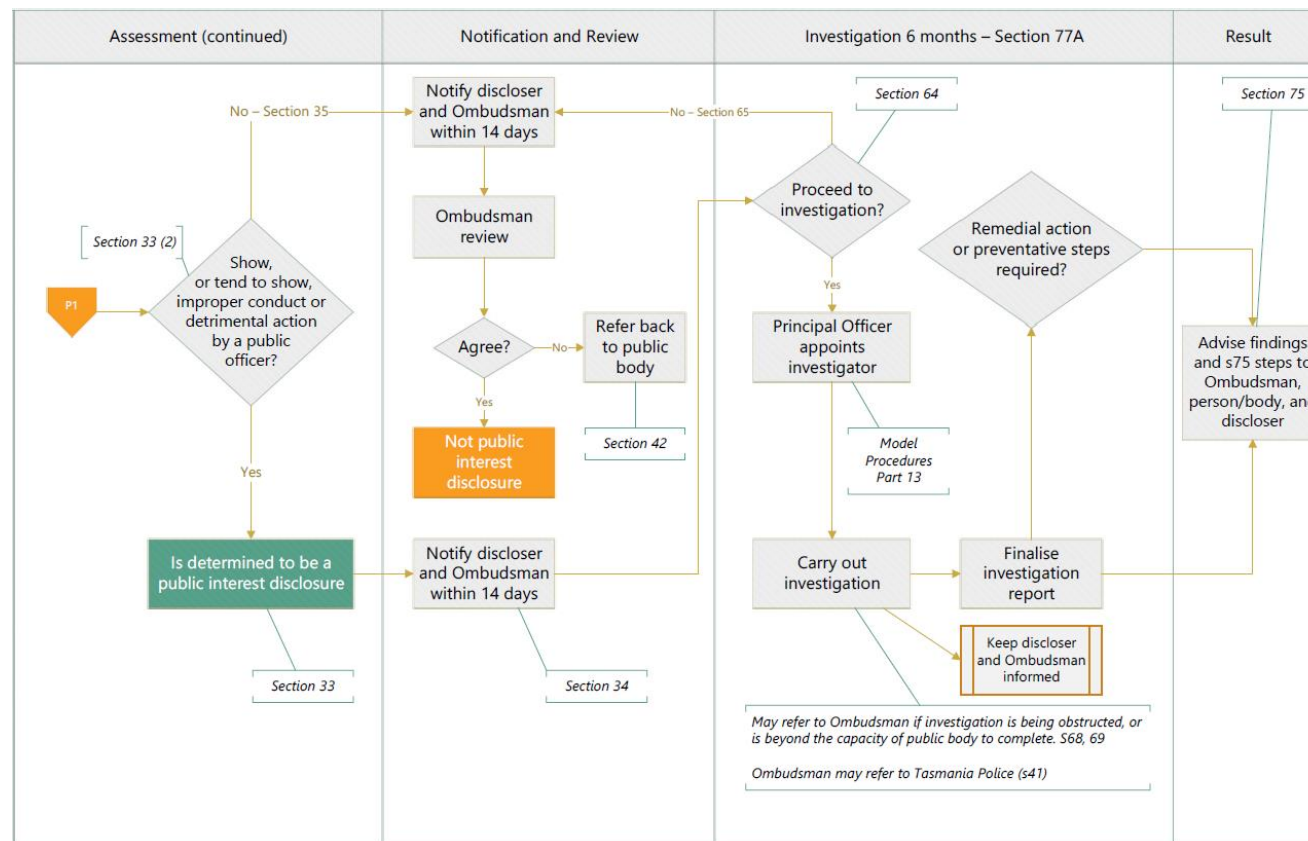
- ☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 65 – Decision not to investigate 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):
 -
 -
 -

Attachment 4: Disclosure to a Public Body





Ombudsman Tasmania

Level 6, 86 Collins Street, Hobart
GPO Box 960, Hobart Tas 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au



Mr John Marik
General Manager
Dorset Council
PO Box 21
Scottsdale TAS 7260

26 July 2024

Dear Mr Marik,

Review of Public Interest Disclosure procedures

As you would be aware, it is a requirement under Part 7 Division 1 of the *Public Interest Disclosures Act 2002* (PID Act), that all public bodies establish procedures that comply with the Ombudsman's issued guidelines pursuant to s38(1)(c).

The Ombudsman Guidelines, along with an editable Microsoft Word version of the Model Procedures, can be found on our website at www.ombudsman.tas.gov.au/public-interest-disclosures/guidelines. The Model Procedures are provided as a guide and may be adopted in full, in part or not at all. They are designed to be tailored to your public body.

As a large public body, you are required to submit your procedures to the Ombudsman for approval at least once every three years. Accordingly, I would be grateful if you could please provide your procedures for approval by **Friday 9 August 2024**. Please submit your procedures in Microsoft Word format to ombudsman@ombudsman.tas.gov.au. Thank you if you have already actioned this.

It would be helpful to our review if you could please mark up on the document any changes made to the model procedures, if used by your public body.

Internal reporting is the key means of detecting improper conduct and a positive internal reporting culture is vital to ensure that occurs. The obligation rests on you, as the principal officer, to ensure that your staff have confidence in your reporting structures and that concerns will be acted upon when they are raised.

In my last review, I encouraged you to consider establishing a whistleblowing policy, if you did not already have one, to complement your procedures required under the PID Act. I would be interested to know if you have made any changes to your whistle-blowing policies since the last review, and what those alterations were.

I remain particularly interested in whether your public body has taken any further steps over the last three years to encourage a proactive reporting culture in your organisation, what those steps were, and your assessment of the impact those actions have had.

Please reach out if you have any questions or concerns regarding the Act and your obligations. Please contact my Senior Investigation Officer Carmen Charlier on 6166 4566 or via email at ombudsman@ombudsman.tas.gov.au.

Yours sincerely,

Richard Connock

OMBUDSMAN

Ombudsman Tasmania

Level 6, 86 Collins Street, Hobart
GPO Box 960, Hobart Tas 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au



14 August 2024

Mr John Marik
General Manager
Dorset Council

By email: gm@dorset.tas.gov.au

Dear Mr Marik,

Public Interest Disclosure procedures approval – 2024 review

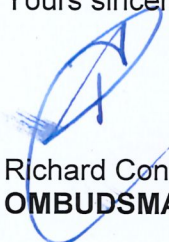
Thank you for forwarding a copy of Dorset Council's draft *Public Interest Disclosures Procedures* for my review.

I approve the procedures, subject to the comments below. Please note that the procedures need to be reviewed in three years' time and diarise this date accordingly. The date of this letter and the due date for review should be inserted in Section 16 on page 26 of your procedures.

- Please update the Contents section to include reference to attachment 4.
- It is good practice to have a dedicated email address for PID disclosures, which Dorset Council has. Are you able to confirm that access to this email is restricted to the Principal Officer and PID officers? This would be good information to add to this section.

Please do not hesitate to contact me or Carmen Charlier, Senior Investigation Officer, if you have any questions.

Yours sincerely



Richard Connock
OMBUDSMAN



DRAFT Policy 63 – Event Funding

CM Ref: DOC/24/1270

Adopted: **XXX**

Version: 1

Reviewed Date: 16 September 2024

Author: Lauren Tolputt

Responsible Officer: Director – Corporate Services

OBJECTIVE

To provide the framework for Council's Events Funding Program so that funds can be allocated to events in an effective and equitable manner to meet the objectives outlined in this policy.

SCOPE

This policy applies to any event organiser seeking financial or in-kind support through Council's Event Funding Program.

POLICY

1 EVENT FUNDING PROGRAM OBJECTIVES

Council values and recognises the role that events play in improving the economic and social wellbeing of the Dorset area, and acknowledges that the provision of financial and/or in-kind event support is a way that Council can directly support the local community.

This policy is designed to encourage and support event organisers to establish and maintain events in the area which contribute to the objectives in Council's Marketing and Tourism Strategy, assist to position Dorset and the broader Northern Tasmania region as a vibrant events destination with a year round calendar of events, and enhance the quality of life in Dorset and surrounds.

The objectives of Council's Event Funding Program are to:

- Assist with the establishment, development and delivery of new events with the aim that events transition to being fully self-funded;
- Strengthen and develop community and place;
- Provide support for community events;
- Encourage community participation;
- Increase regional, national and international visitation;
- Promote individual townships as destinations to visit, stay, explore and invest;
- Stimulate the economy; and
- Provide an equitable framework for allocating Council's event funding budget.

2 EVENT FUNDING PROGRAM GUIDELINES

To underpin this policy, Event Funding Program Guidelines (**Guidelines**) will be maintained which outline the full program details including eligibility requirements, assessment criteria, critical dates and funding conditions. The Guidelines will be accessible on Council's website.

The Event Funding Program Guidelines will outline a tiered funding system, whereby specific criteria are provided for each Tier and those criteria determine the maximum amount of event support that will be provided to an event that has been assessed as being within that tier.

The tier system will provide for a range of event types (e.g. low, medium, high impact) to receive different levels of funding based on meeting certain criteria. The tier system will also outline the maximum duration of event support agreements for each tier.

The Guideline will set out any eligibility criteria that event organisers must satisfy when applying for event support.

3 EVENT FUNDING BUDGET

Council will determine the budget allocation for Council's Event Funding Program in preparing its annual budget estimates.

PERSONAL INFORMATION PROTECTION

Council has a commitment to protect the personal information provided by a customer to Council in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*. Council's Policy 36 – Personal Information Protection provides further information.

RELATED DOCUMENTS

- Event Funding Program Guidelines
- Event Funding Program Application Form
- Event Funding Program Funding Agreement
- Event Funding Program Acquittal Form
- Event Approval Application Pack

REVIEW

This policy will be reviewed no more than 5 years after the date adopted or more frequently as required, including upon any review of Council's marketing and tourism strategy.

DOCUMENT INFORMATION

Version	Doc Ref	Date Reviewed	Author	Comments
V1	DOC/24/1270	September 2024	Lauren Tolputt	Policy established

1 EVENT FUNDING PROGRAM

Council offers an Event Funding Program (the Program) in accordance with Policy 63 – Event Funding (the Policy). Any event looking for financial or in-kind support from Council must apply through the Program.

These guidelines underpin the Policy and assist event organisers to submit complete and quality applications to provide the best chance of success when applying for funding.

2 FUNDING TIERS

Table T1 details the eligibility criteria, funding allocations and funding duration for each funding tier.

The applicable tier will be allocated when event funding applications are received to determine the maximum allowable amount and duration of funding through the Program. The total value of financial support and in-kind support will not exceed the maximum allowable funding for each tier.

DRAFT

T2 – Event Tiers

Tier	Determining Criteria		Funding	
Signature Events	Large scale tourism events that offer several of the following attributes: <ul style="list-style-type: none">▪ Delivers substantial community, economic and tourism benefits▪ Generates state or national profile for the region▪ Event has the capacity to attract intrastate and national visitation▪ Of national or state significance▪ Delivers significant social, economic, environmental and/or cultural-wellbeing outcomes		<p>The maximum funding (cash sponsorship plus the monetary value of logistics support) will not exceed \$10,000 per annum provided for up to 3 years unless significant community value can be demonstrated.</p> <p>Greater amounts will be subject to a decision of Council and must have the capacity to attract intrastate, interstate and/or international visitors.</p>	
Tier 1	<p>Medium to large scale events that offer one or more of the following attributes:</p> <table><tr><td><p><u>Tourism Events:</u></p><ul style="list-style-type: none">▪ Have the capacity to attract interstate and national visitation but primarily appeals to local audiences (from Tasmania)▪ Are of regional significance▪ Provide economic and environmental outcomes▪ Sustainability actions</td><td><p><u>Community Events:</u></p><ul style="list-style-type: none">▪ Events that celebrate local identity and culture and provide a range of community benefits including participation, wellbeing and community connectivity▪ Offers opportunities for community engagement and connectivity▪ Participation opportunities for locals▪ Sustainability actions▪ Offers community health and wellbeing through participation</td></tr></table>	<p><u>Tourism Events:</u></p> <ul style="list-style-type: none">▪ Have the capacity to attract interstate and national visitation but primarily appeals to local audiences (from Tasmania)▪ Are of regional significance▪ Provide economic and environmental outcomes▪ Sustainability actions	<p><u>Community Events:</u></p> <ul style="list-style-type: none">▪ Events that celebrate local identity and culture and provide a range of community benefits including participation, wellbeing and community connectivity▪ Offers opportunities for community engagement and connectivity▪ Participation opportunities for locals▪ Sustainability actions▪ Offers community health and wellbeing through participation	<p>The maximum amount of funding (cash sponsorship plus the monetary value of logistics support) will not exceed \$5,000 per annum provided for up to 3 years unless significant community value can be demonstrated.</p>
<p><u>Tourism Events:</u></p> <ul style="list-style-type: none">▪ Have the capacity to attract interstate and national visitation but primarily appeals to local audiences (from Tasmania)▪ Are of regional significance▪ Provide economic and environmental outcomes▪ Sustainability actions	<p><u>Community Events:</u></p> <ul style="list-style-type: none">▪ Events that celebrate local identity and culture and provide a range of community benefits including participation, wellbeing and community connectivity▪ Offers opportunities for community engagement and connectivity▪ Participation opportunities for locals▪ Sustainability actions▪ Offers community health and wellbeing through participation			
Tier 2	Smaller scale events that offer one or more of the following attributes: <ul style="list-style-type: none">▪ May attract intrastate visitation (from Northern Tasmania) but are primarily focused on local community▪ Provides community benefit including participation, wellbeing and community connectivity▪ Includes events for special interest groups		<p>The maximum amount of funding (cash sponsorship plus the monetary value of logistics support) will not exceed \$2,000 per annum provided for up to 3 years unless significant community value can be demonstrated.</p>	

3 ASSESSMENT CRITERIA

3.1 General Assessment Criteria

In addition to the relevant criteria in the Funding Tiers section of this document, events must demonstrate:

- Capacity to manage the event and event funding requirements;
- Alignment to the objectives of Council's Strategic Plan 2023 - 2032 by satisfying one or more of the imperatives;
- That the event can contribute to a vibrant calendar of events with economic and social benefits for Dorset or the region;
- That the event will be public, inclusive and accessible to everyone;
- The extent to which the local community participates in or spectates at the event, and the opportunities this brings for improved social cohesion and community development;
- A degree of community consultation and engagement of local community, volunteers and businesses in the planning and delivery of the event;
- Economic input to Dorset businesses;
- Capacity to drive increased visitation, particularly overnight and off-peak;
- Potential to become financially sustainable in the future without support from Council;
- Commitment to best practice in sustainable event management / sustainable tourism;
- Compliance with all relevant regulations and Council requirements;
- Alignment with Council's marketing and tourism strategy, and any relevant marketing and tourism initiatives being led by local, regional or statewide tourism organisations.

The following attributes are considered economically, socially or environmentally detrimental and may impact an application being assessed favourably:

- Costs associated with event impact on Council infrastructure and open spaces;
- Impact on the free flow of vehicular and pedestrian traffic through the CBDs of major towns and on key arterial roads, resulting in increased emergency response times and reducing accessibility for residents and visitors;
- Risk factors associated with the event including alcohol consumption and associated antisocial behaviour;
- Monopolisation of key public open spaces by event infrastructure for extended periods to the detriment of informal family events and other social gatherings;
- Poor practices around waste separation at events;
- Little or no preventative management of littering;
- Use of single use items and plastics.

The following applications will not be considered for funding:

- Applicants that have demonstrated non-compliance with timeframes;
- Organisations that have demonstrated non-compliance with previous acquittal requirements for Council funding;

- Applications seeking support for the entire cost of an event;
- Retrospective applications for funding;
- Events that do not meet the assessment criteria;
- Administration costs of an organisation to run the proposed event;
- Events taking place outside Dorset (unless there is significant benefit for Dorset)
- Illegal activities or events;
- Events that are entirely tradeshow, conferences, teaching programs or lectures;
- Private events or functions;
- Events that may offend or exclude parts of the community;
- Any organisation that has not previously complied with event permit or other conditions of Council, or has failed to apply for required permits;
- School fetes, markets or fairs (unless there is a wider community benefit);
- Events that fundraise in nature (unless the project provides considerable community benefit);
- Infrastructure related projects, including the purchase of equipment or materials; and
- Extensions to normal business operation such as tours, live music on premises and other regular business activities.

4 APPLICATION AND ASSESSMENT

4.1 Who can apply?

- Incorporated groups and organisations
- An unincorporated organisations auspiced by an incorporated organisation
- Private organisations

4.2 Who cannot apply?

- Individuals
- Government agencies, political groups and religious groups
- Applicants who have not satisfactorily acquitted previous Council grants, or who have outstanding debts to Council or who are subject to legal action.

4.3 How do I apply?

Please submit your application by completing a Funding Application form. The form can be found on Council's website: [Link to be created](#)

4.4 How will my application be assessed?

An Event Funding Assessment Panel (Panel) will be established to evaluate applications for event funding against the relevant criteria as outlined in these guidelines.

The Panel will evaluate your funding application and supporting documentation using the Funding Tier criteria and General Assessment Criteria.

The Panel will make recommendations to Council on the allocation of event funding at a Council Meeting and all applicants will be notified of an outcome. All applications for event funding are subject to being published in an open Council agenda (with appropriate personal details redacted).

5 ACQUITTAL AND POST EVENT REVIEW

Any recipients of event funding will be required to provide an acquittal within the timeframes specified in the funding agreement. Along with the acquittal, the funding recipient will complete a post event review. Non-compliance with the acquittal or post event review processes or timeframes may result in future event funding being withheld.

6 FUNDING AGREEMENT

Any successful Event Funding applications will be subject to a Funding Agreement which will set out the terms and conditions for funding, the funding payment schedule and any milestones including acquittal of the funding.

A Funding Agreement does not mean that the event has been approved to proceed by Council. All events are required to complete an Event Application, regardless of the funding status. For successful applicants with a Funding Agreement in place, funds will only be provided once an Event Application is approved and all supporting documentation is received. The Event Application Pack can be found on Council's website: [link to be created](#)

Ongoing funding is conditional on the applicant's ongoing compliance with the assessment criteria and Funding Agreement.

7 TIPS FOR SUCCESS

- Read the Event Funding Policy and Guidelines prior to completing any documentation;
- Check the Funding Tiers and General Assessment Criteria to gauge your eligibility;
- If you are organising a new event or an existing event with proposed changes, talk to Council's Facilities Officer or Community Liaison Officer prior to completing an Event Funding Application and include any changes or innovations in your application;
- Complete all questions in your application and provide all required supporting information;
- Ensure you have addressed the Funding Tier Criteria and General Assessment Criteria;
- Contact the Facilities Officer or Community Liaison Officer for guidance through the application process if required.



Dorset Council

Derby Back Road, Derby
Speed Zone Assessment

July 2024



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1. Introduction

1.1 Background

Midson Traffic were engaged by Dorset Council to review the existing speed limit on Derby Back Road and recommend an appropriate speed limit based on current road design standards and guidelines.

A notice of motion and background information was received from Commissioner Wardlaw to Council on 29 April 2024:

"That Council:

- 1. Give consideration to reducing the speed limit on Derby Back Road from 100 km/h to 80 km/h from Tasman Highway to Hardmans Lane.*
- 2. Initiate a review of the existing speed limit on Derby Back Road, specifically focusing on the section from the Tasman Highway to Hardmans Lane.*
- 3. Conduct a 28-day consultation period to solicit feedback from stakeholders, including residents, road users, and relevant authorities, regarding the proposed speed limit reduction.*
- 4. Receive a report, by 31 August 2024, summarising the findings of the review and presenting any recommendations for changes to existing speed limits".*

This report provides the technical assessment of the existing and proposed speed limit of Derby Back Road.

1.1.1 Council Background

The notice of motion provided the following background information in relation to Derby Back Road.

"Concern has been raised regarding the existing speed limit on Derby Back Road, and the objective of this motion is to reduce it from 100 km/h to 80 km/h from the Tasman Highway to Hardmans Lane. The intention is to enhance road safety for all users, including local residents and intrastate traffic, particularly those transporting goods such as logs and milk trucks.

The following issues for this segment of road include:

- Inadequate road conditions: Derby Back Road is characterised by various hazards, including sharp bends, narrow sections, and limited visibility, rendering it unsuitable for high-speed travel.*
- Heavy traffic: The road serves as a crucial link for both local and intrastate traffic bypassing Derby, accommodating large vehicles such as log and milk trucks. The current speed limit exacerbates safety risks associated with these vehicles navigating the road.*

- Community safety: Residents rely on Derby Back Road for daily commuting and recreational activities, necessitating measures to mitigate the likelihood of accidents and enhance overall road safety.

The Council has identified that Derby Back Road could be an alternative route for intrastate traffic not wishing to travel through Derby"

1.2 Study Area

The study area includes the full length of Derby Back Road, as well as all roads that connect to Derby Back Road, including the Tasman Highway.

The study area and surrounding road network is shown in Figure 1.

Figure 1 Study Area & Surrounding Road Network

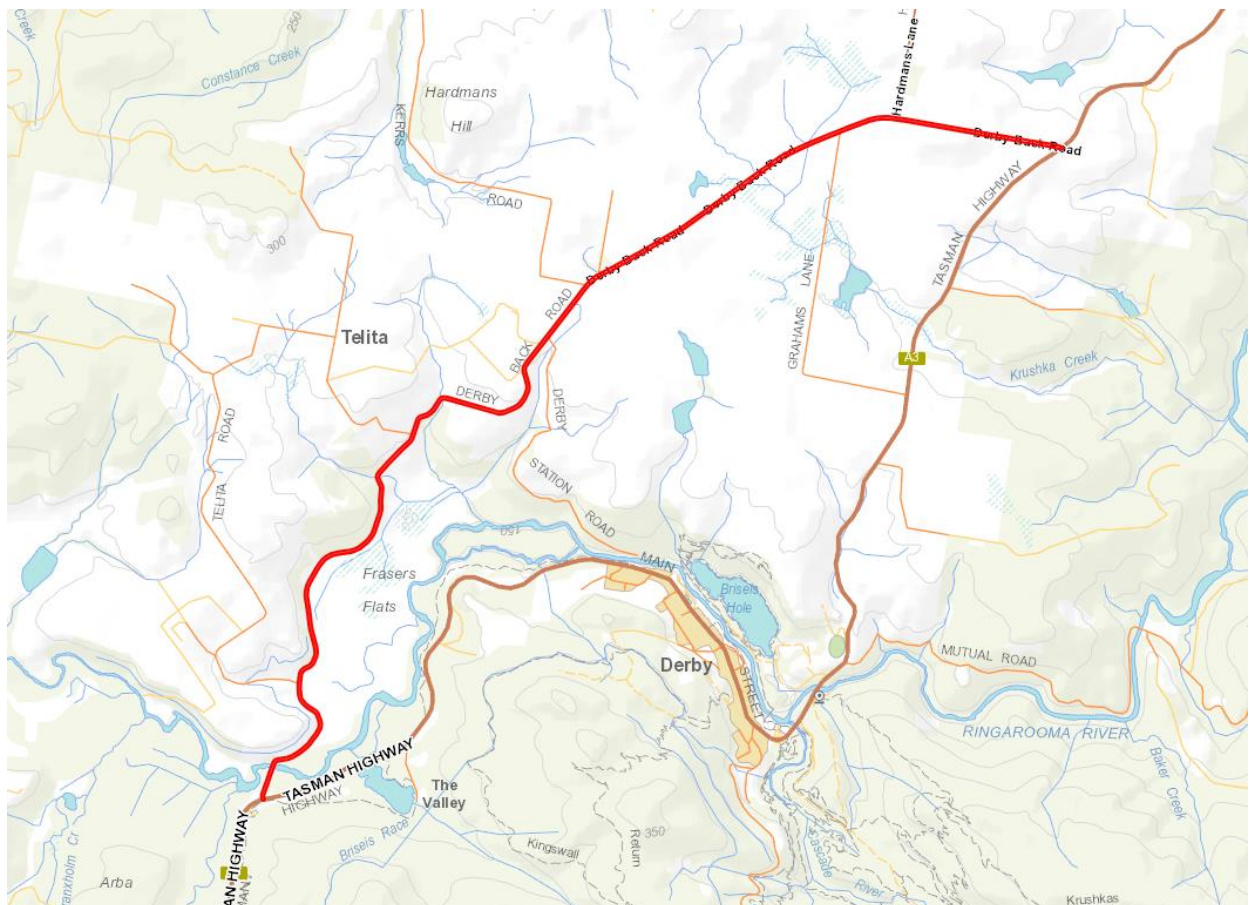


Image Source: LIST Map, DPIPWE

1.3 Reference Resources

The following references were used in the preparation of this TIA:

- Austroads, Guide to Road Design, Part 3: *Geometric Design*, 2021
- Austroads, Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections, 2021
- Austroads, Guide to Road Safety, Part 3: *Safe Speed*, 2021

2. Existing Conditions

2.1 Transport Network

For the purposes of this report, the transport network consists of Derby Back Road and the Tasman Highway.

2.1.1 Derby Back Road

Derby Back Road in Derby is local road at approximately 7.7 kilometres between its two junctions with the Tasman Highway (A3). It facilitates access to a wider range of residential and rural properties over a more extended area. The road connects the local community to larger arterial routes and serves a vital role in the local transportation network. This length makes it a significant local road within the rural community of Winnaleah.

Derby Back Road primarily serves local traffic. Its extended length indicates it provides access to a broader range of residential properties, farms, and local businesses within the Derby area. It is not designed to handle high volumes of traffic or heavy commercial vehicles regularly but can accommodate the typical traffic associated with rural communities.

As a local road, Derby Back Road plays a crucial access role in the rural road network. It connects residents to the main roads and highways, such as the Tasman Highway (A3), which is the primary route for longer-distance travel and transport in the region. The road may also serve as an access point for recreational areas, given Derby's popularity with mountain biking and outdoor activities.

The road alignment of Derby Back Road is variable. The section between the western end and the Derby Station Road junction consists of a series of curves that generally follow the contour lines of the surrounding hillside environment. The section between Derby Station Road and the eastern end consists of a series of generally straight sections with varying vertical alignment resulting in a series of crests and dips.

Derby Back Road carries approximately 200 vehicles per day and carries approximately 26% heavy vehicles near its western end, and 15% heavy vehicles at its eastern end. The speed limit of Derby Back Road is 100-km/h.

Derby Back Road at various locations along its length are shown in Figure 2.

Figure 2 Derby Back Road



2.1.2 Tasman Highway

The Tasman Highway is classified as a Category 2 'Regional Freight Route'. It carries approximately 1,000 vehicles per day¹ through the study area. The posted speed limit is 100-km/h for the majority of its length between the two junctions with Derby Back Road, with a section of 50-km/h through the township of Derby.

The hourly flow of traffic on the Tasman Highway is shown in Figure 3. Traffic volumes are typically between 60 to 125 vehicles per hour between 8:00am and 5:00pm with no clearly defined peak period. Heavy vehicles make up 19.6% of the traffic flow.

The average weekday hourly flows on the Tasman Highway are shown in Figure 3.

Figure 3 Tasman Hwy Average Weekday Hourly Flow



Source: Department of State Growth – May 2023

2.2 Derby Back Road Traffic Data

Traffic data was collected by Council at three locations on Derby Back Road as follows:

- Site 1. Near bridge at the western end of Derby Back Road – 24th August 2023 to 27th February 2024.
- Site 2. Near Derby Station Road – 2nd July 2024 to 11th July 2024.
- Site 3. Between Grahams Lane and Hardmans Lane - 2nd July 2024 to 11th July 2024.

The traffic data for these sites is summarised in Table 1.

¹ Department of State Growth traffic data, 2023.

Table 1 Traffic Data Summary

Site	Sample size	Weekday ADT	Peak hour volume	Average speed	85 th percentile speed	Maximum speed
Site 1	33,437 vehicles	195 vpd	16 vph	53.3 km/h	64.1 km/h	125 km/h
Site 2	1,197 vehicles	164 vpd	15 vph	64.0 km/h	76.7 km/h	158.2 km/h
Site 3	1,293 vehicles	174 vpd	17 vph	76.4 km/h	94.3 km/h	131.3 km/h

2.3 Derby Back Road Speed Profile

2.3.1 Traffic Data Analysis

Speed data was obtained from Council's at the three sites highlighted in Section 2.2. The data provides an understanding of the distribution of speeds overall, as well as by time of day.

It can be seen from the traffic data summary that the 85th percentile speeds are lower than the speed limit of 100-km/h for all data sites. The highest speeds were reported at Site 3, which corresponds to the location with the straightest horizontal alignment.

The average and 85th percentile speed profiles by time of day for all three data sites are shown in Figure 4, Figure 5 and Figure 6. Note that for Site 2 and Site 3 insufficient data was available between midnight and 4:00am, so only data after 4:00am is provided.

It can be seen that through the middle of the day the average and 85th percentile speeds are relatively consistent. Where these values deviate from these values typically relates to a smaller amount of data which tends to skew the results. It also indicates that a small number of vehicles are travelling at higher speeds during the evening and early morning periods. Vehicle speeds exceeding the speed limit were noted at all three sites, with the highest recorded speed of 158-km/h noted at Site 2.

In traffic engineering practice, the 85th percentile speed should closely match the posted speed limit. Only the site located between Grahams Land and Hardmans Lane has an 85th percentile speed that closely matched the posted speed limit. Both other sites were more conducive to a speed limit of 70 to 80-km/h.

Figure 4 Derby Back Rd Speed Profile, near Bridge

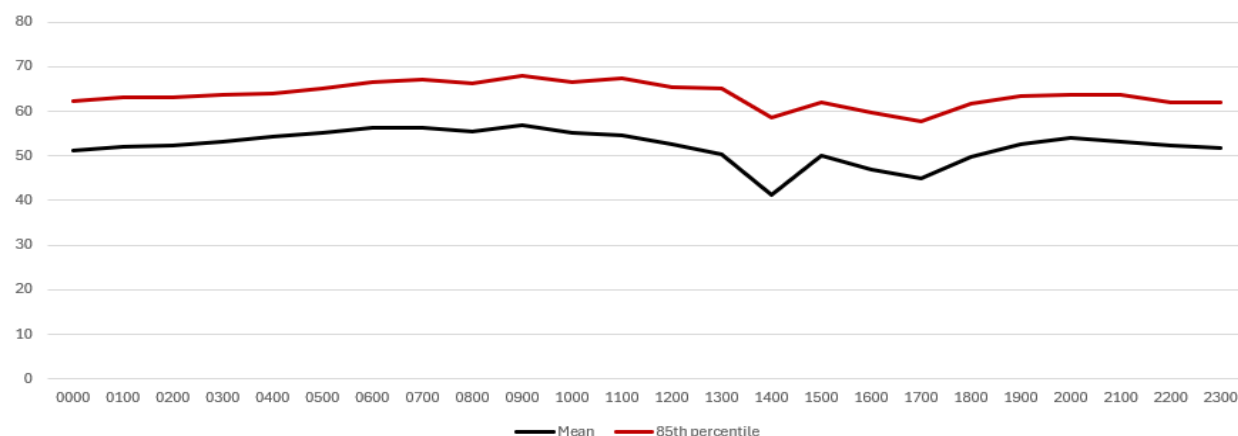


Figure 5 Derby Back Rd Speed Profile, Grahams Ln & Hardmans Ln

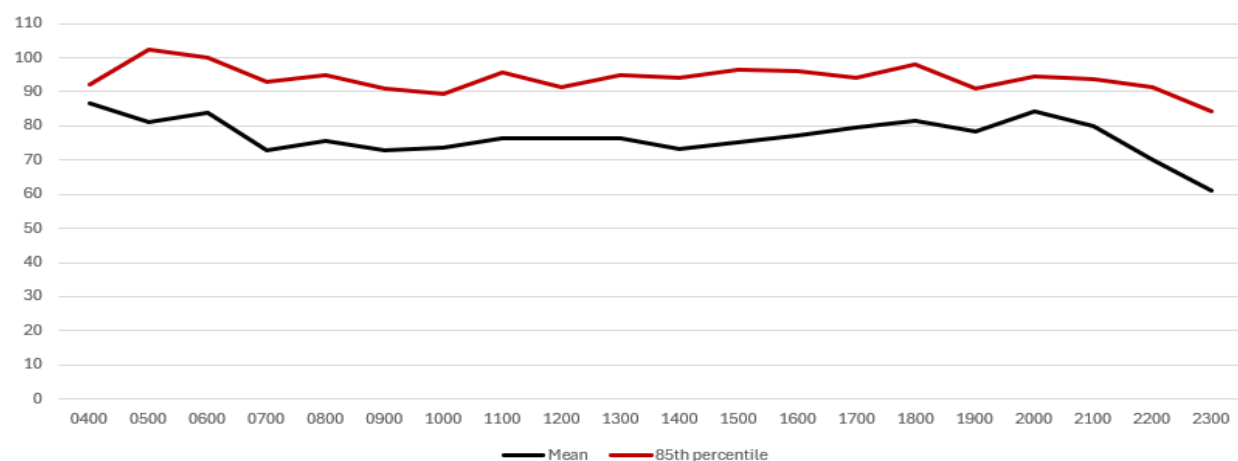
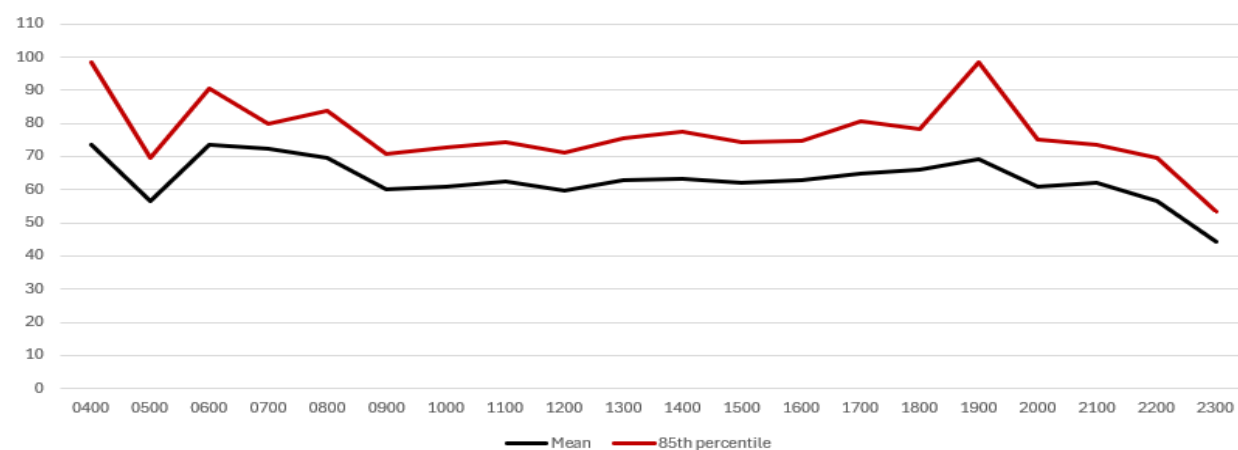


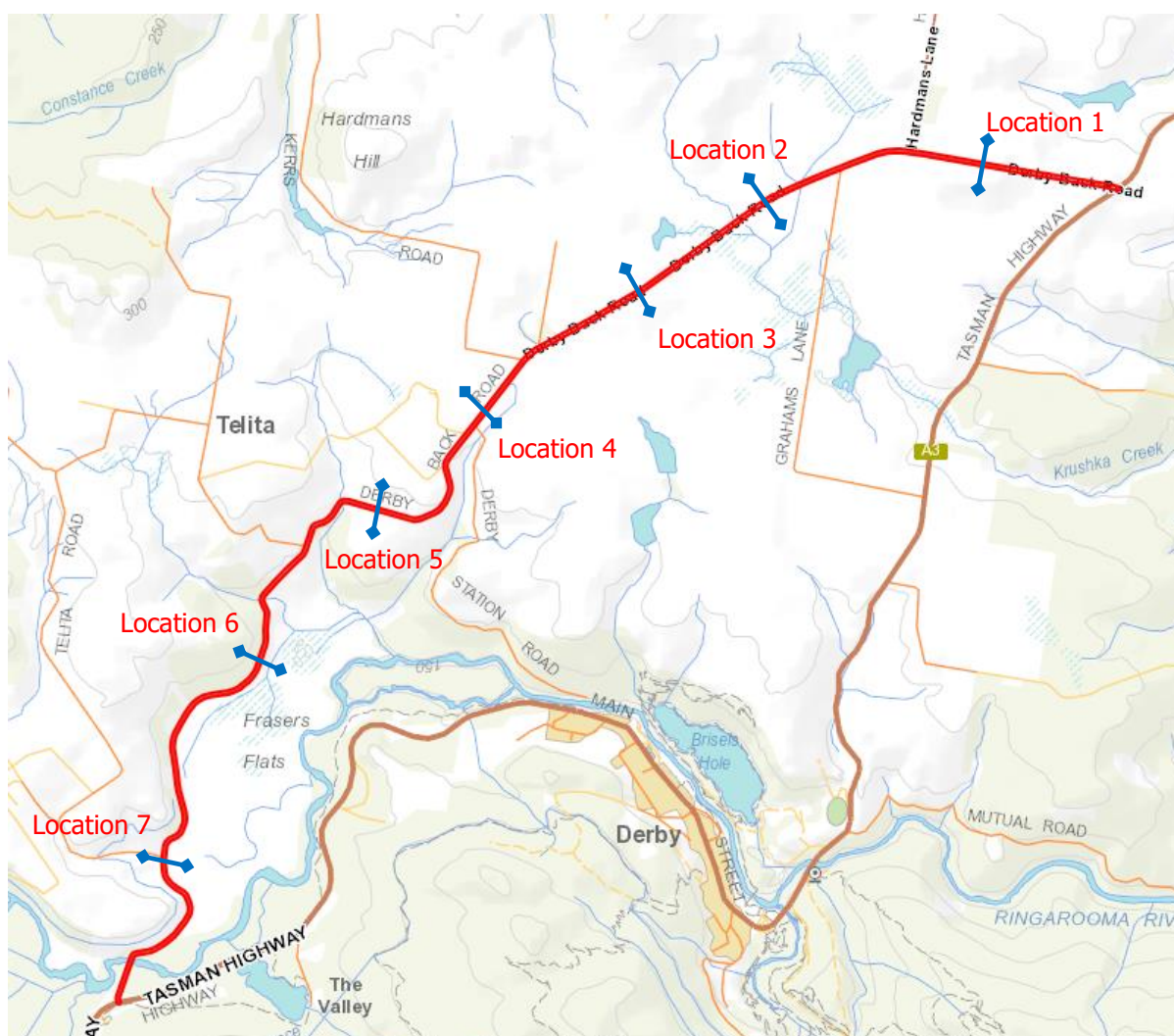
Figure 6 Derby Back Rd Speed Profile, near Derby Station Rd



2.3.2 Longitudinal Instantaneous Speed Analysis

Vehicle speeds were also obtained using an in-vehicle GPS system. This was used to determine the speed profile along the length of Derby Back Road through a series of drive-throughs. The speeds were summarised in locations as shown in Figure 7.

Figure 7 Derby Back Road – Long Section Speed Profile



The speed summary at each location is provided in

Table 2. It can be seen that there is a large variation in operating speeds between the western and eastern sections of Derby Back Road. The eastern section of Derby Back Road (east of the Kerrs Road junction) has an operating speed between 80 and 90-km/h. The western section of Derby Back Road has an operating speed of 60-km/h.

Table 2 Speed Profile Summary

Location	Estimated Operating Speed (85 th Percentile Speed)	Comments
Location 1	80-km/h	Close to Tasman Highway junction. Vehicles accelerating or decelerating due to junction.
Location 2	90-km/h	Relatively straight alignment. Speeds similar to Site 3 traffic data.
Location 3	90-km/h	Relatively straight alignment.
Location 4	80-km/h	
Location 5	60-km/h	Short straight section located between two sharp bends.
Location 6	60-km/h	Moderate sweeping bend with steep drop off, between two relatively tight bends.
Location 7	60-km/h	Short sweeping bend between two relatively tight bends.

2.4 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of crash data.

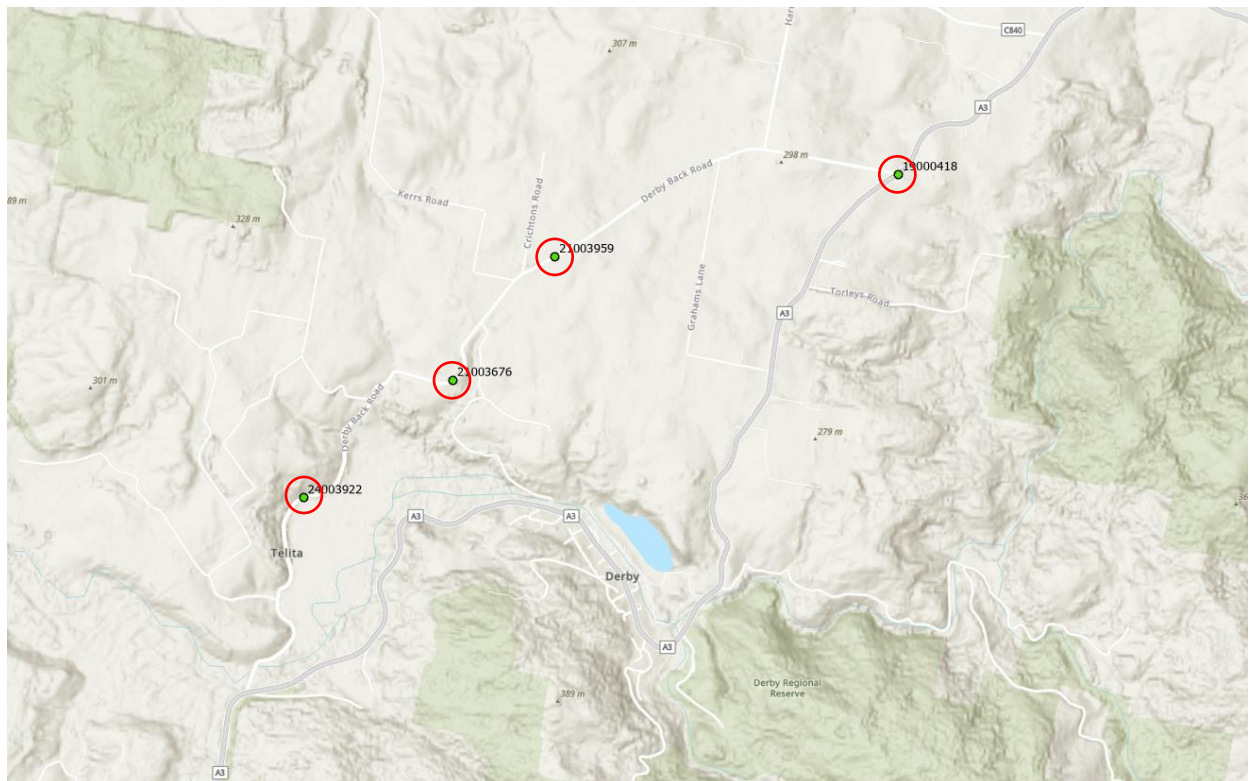
Crash data was obtained from the Department of State Growth for a 5½ year period between 1st January 2019 and 30th June 2024 for the full length of Derby Back Road. A total of four crashes were reported during this time. The crash locations are shown in Figure 8.

A summary of these crashes is provided as follows:

- 4:37pm, 21st January 2019 - Right-rear collision between a motorcycle and car at the northern junction with Tasman Highway resulting in serious injury.
- 1:09pm, 10th June 2021 – single vehicle crash occurring on a curve resulting in minor injury.
- 6:09pm, 21st June 2021 - single vehicle crash involving a heavy vehicle on a straight section of road resulting in property damage only.
- 9:10am, 23rd June 2024 – no crash description provided resulting in property damage only.

There were relatively few crashes reported along Derby Back Road, so it is not possible to identify any clear crash trends. It is noted that 3 of the 4 crashes were reported in June (winter); and 3 of the 4 crashes were reported during the afternoon.

Figure 8 Derby Back Road Crash Locations



Source: Department of State Growth

3. Speed Zone Requirements

The Austroads publication, *'Guide to Road Safety Part 3: Safe Speed'*, 2021, provides guidance on the application of appropriate speed limits to facilitate a safe environment for all users in accordance with the Safe Systems framework.

Austroads states that there is potential for obtaining community support for road function and consequently infrastructure that manages safe speeds in the context of "movement and place." When speed limits are supported in this context, there is a potential for greater compliance, safety improvement and community acceptance. In some communities there is also growing acceptance for lower speed limits, particularly at locations where there is higher risk. This has started at schools, has migrated to shopping strips and now is gaining acceptance for lower quality rural roads.

In general, when setting speed limits, a range of factors need to be considered, within the context of the Safe System. These include:

- Crash risk.
- Current operating performance.
- Road and roadside infrastructure.
- Geometry and roadside development.

These factors are investigated in the following sections.

3.1.1 Crash Risk

Research shows that the highest crash risk in rural roads arises from sudden changes in road geometry. Examples include isolated curves with small radii, especially at the end of long straight sections, curves concealed by a vertical crest, or curves whose severity is not apparent to the driver. These unexpected road features can catch drivers off guard and should be avoided to reduce the risk of accidents.

Derby Back Road's horizontal road alignment consists of a series of straight segments and curves. It is crucial for drivers to be able to perceive these changes in alignment to take appropriate actions. If these changes are not easily perceived, the road geometry should be improved, or suitable advance warning should be provided. The western section of Derby Back Road in particular has a series of tight horizontal curves with limited forward sight distance between curves due to embankments and vegetation.

It is typical for roads within Tasmania to not have a consistent road alignment for the entire route. Often there are sections along a route where the road geometry standard is lower, generally due to topography constraints. This is acceptable, as long as the driver can perceive the change in geometry, to adjust their driving behaviour and lower their operating speed. However, out-of-context curves, which are isolated, or an unusually sharp curve should be avoided, as they attract a higher risk of run-off the road and head-on crash types.

The limited crash history of Derby Back Road does not indicate that there are any locations where crashes occur repeatedly. The crash history is consistent with a low volume rural road.

Crash risks are strongly evident along the western section of Derby Back Road, with unprotected steep drop-off areas, trees and embankments creating roadside hazards. These crash risks increase with operating speed (both risk of crash and severity if a crash occurs).

3.1.2 Operating Performance

The operating performance of Derby Back Road indicates that for the majority of its length, the operating speed is not consistent with a speed limit of 100-km/h. The operating speed is more consistent with a speed limit of 80-km/h, particularly along the western half of Derby Back Road as documented in Section 2.3.

The operating speed can be measured for an existing road. If the operating speed varies along the road, the design speed must vary accordingly. Identification of the operating speed is fundamental to the development of any roadway facility. In this case there is a variation of operating speeds along the length of Derby Back Road.

It is also noted that there is a small incidence of high-end speeding. A reduction of speed limit can often reduce the incidence of high-end speeding (noting the highest speed recorded was 158-km/h, which is 58-km/h above the speed limit but would be 78-km/h over the speed limit if the speed limit were reduced to 80-km/h).

The function of the road is also an important consideration. Derby Back Road carries a mix of cars, trucks and agricultural vehicles. These vehicles have an impact on the operating speed in roads with varying horizontal and vertical geometry. The vehicle composition recorded near the bridge at its western end indicates that it carries approximately 26% heavy vehicles at its western end (consisting of 19% single unit trucks and 7% articulated trucks) and 15% heavy vehicles at its eastern end. The importance of providing an appropriate operating speed for heavy vehicles is therefore critical to ensure a safe operating environment for all road users.

3.1.3 Road and Roadside Furniture

Derby Back Road is a low volume rural road. The limited roadside furniture and roadside hazards includes safety barriers, vegetation (large diameter trees) and steep drop-offs.

Roadside hazards are more prevalent within the western half of Derby Back Road. As noted in Section 3.1.1 the crash risks associated with roadside hazards increase with higher operating speeds.

3.1.4 Geometry and Roadside Development

As noted previously, the western section of Derby Back Road in particular has a series of tight horizontal curves with limited forward sight distance between curves due to embankments and vegetation.

Geometric road design plays a critical role in the operating speed of a road. This relates to the road cross-section (sealed pavement width, shoulders, etc), horizontal and vertical alignment and other factors.

3.1.5 Austroads Assessment Summary

The principles associated with Austroads assessment of speed limits demonstrate that the reduction of the speed limit from 100-km/h to 80-km/h is supported on technical grounds.

A consistent speed limit of 80-km/h along the full length of Derby Back Road is recommended based on factors such as existing operating environment, vehicle composition and road safety risk.

4. Conclusions

Austroads highlights the importance of setting appropriate speed limits to ensure safety for all road users within the Safe Systems framework. Community support for infrastructure that manages safe speeds can lead to higher compliance and improved safety, especially within the "movement and place" context. There is growing acceptance for lower speed limits in high-risk areas, such as schools, shopping strips, and lower quality rural roads.

In setting speed limits, various factors must be considered, including crash risk, current operating performance, road and roadside infrastructure, and road geometry. On Derby Back Road, the highest crash risks stem from changes in road geometry and roadside hazards. The western section of the road has tight horizontal curves with limited sight distances due to embankments and vegetation, which poses significant crash risks. While the crash history is consistent with a low-volume rural road, the western section's roadside hazards, including steep drop-offs and trees, increase crash risk, especially at higher speeds.

The operating performance of Derby Back Road indicates that the current 100 km/h speed limit is unsuitable for most of its length, aligning more closely with an 80 km/h limit, particularly in the western section of the corridor. A reduction in the speed limit can address the issue of high-end speeding and enhance overall safety. Given the mix of vehicles, including cars, trucks, and agricultural vehicles, providing an appropriate operating speed is crucial for safety. Limited roadside furniture and numerous hazards, such as large trees and steep drop-offs, further support the need for a lower speed limit.

Based on Austroads principles, reducing the speed limit from 100 km/h to 80 km/h on Derby Back Road is justified. A consistent 80 km/h speed limit along the entire road length is recommended to improve safety, considering the existing operating environment, vehicle composition, and road safety risks.

An alternative option would be to retain the existing 100-km/h section between the eastern junction of Tasman Highway and Derby Station Road and reduce the section west of Derby Station Road to 80-km/h.

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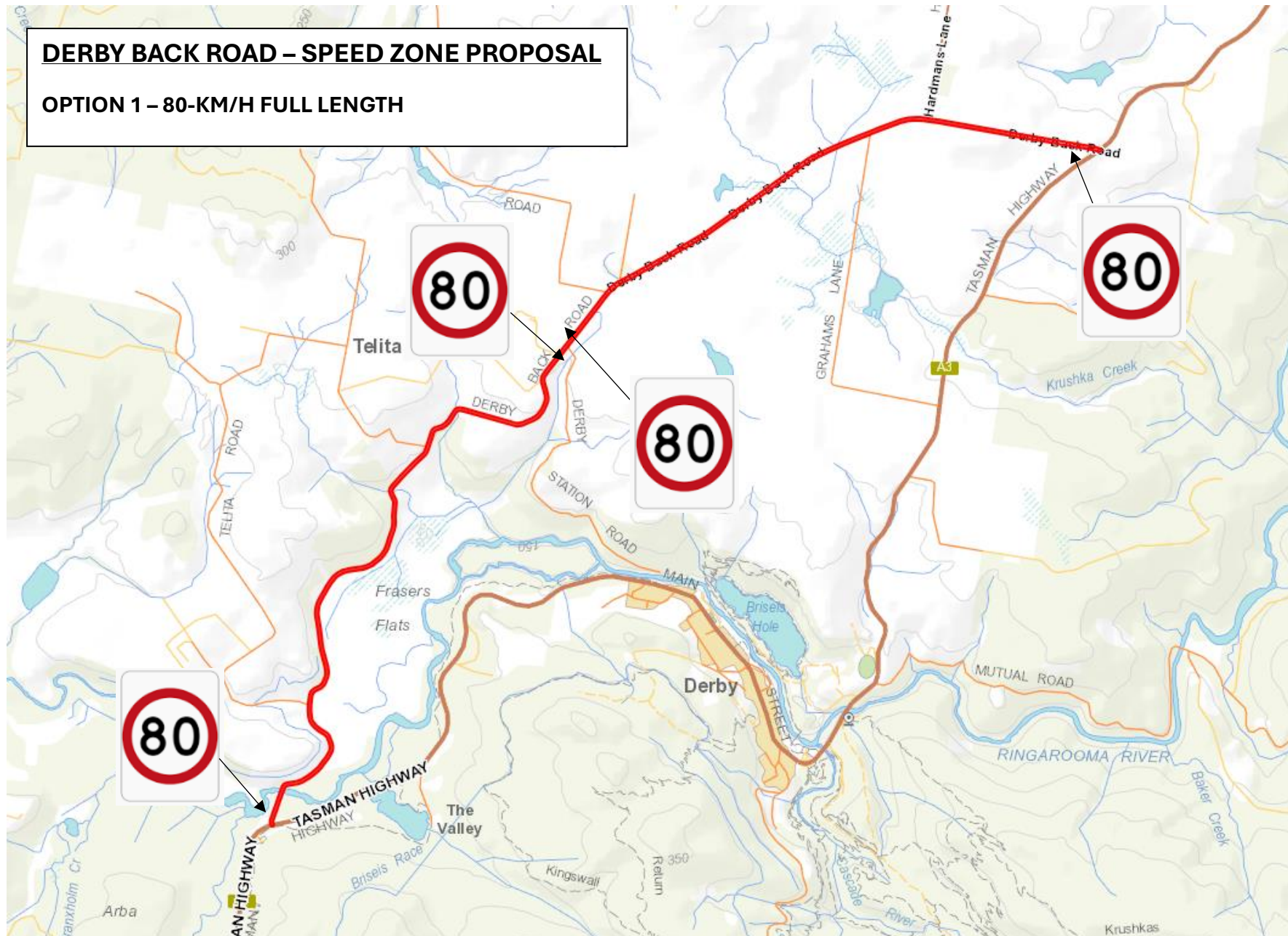
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Document Status

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	23 July 2024

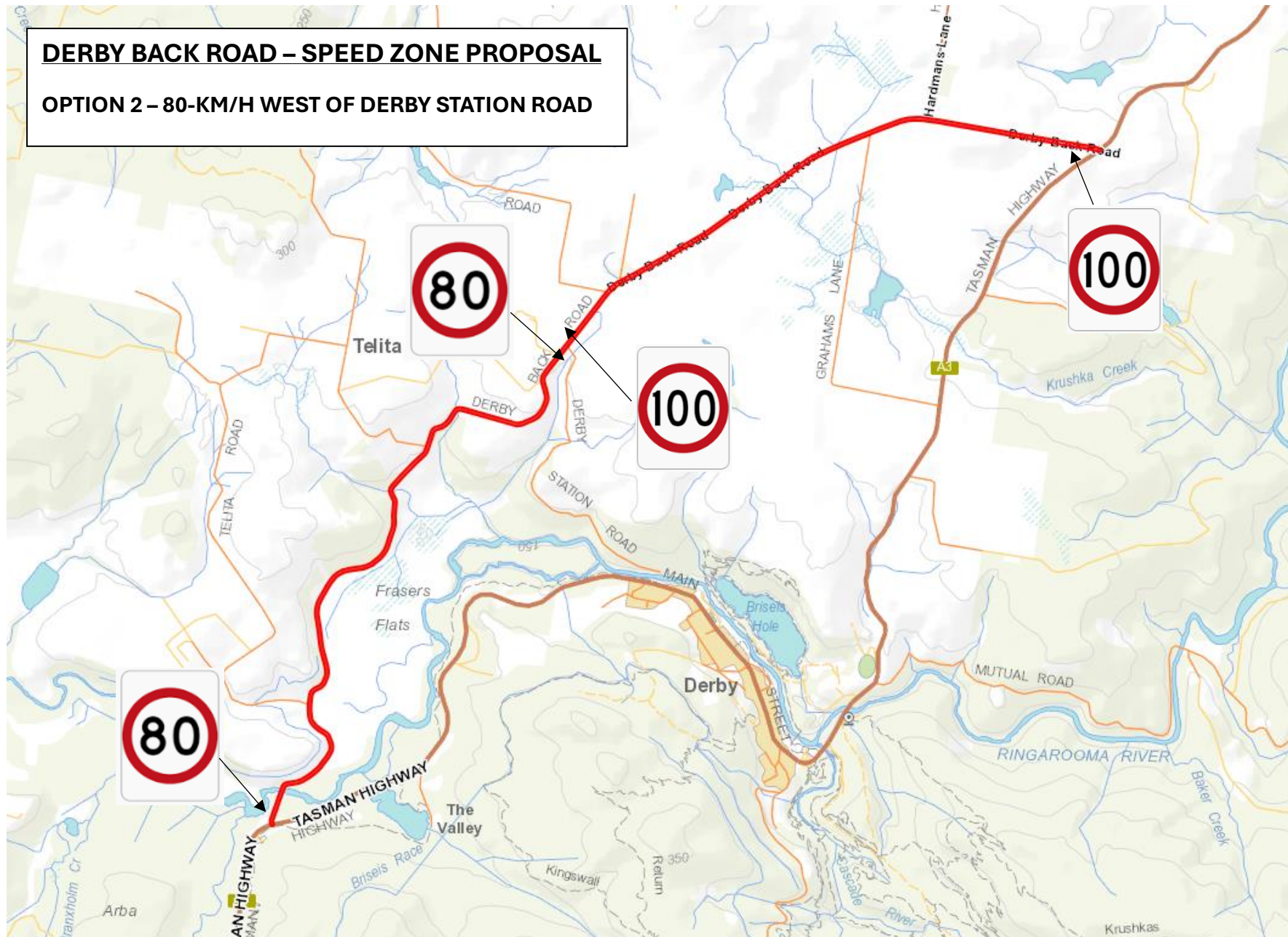
DERBY BACK ROAD – SPEED ZONE PROPOSAL

OPTION 1 – 80-KM/H FULL LENGTH



DERBY BACK ROAD – SPEED ZONE PROPOSAL

OPTION 2 – 80-KM/H WEST OF DERBY STATION ROAD



DORSET COUNCIL – Planning Approvals

1 August 2024 to 31 August 2024

SUB-2024/1321	Mr S A Beattie	Lodged 31/05/2024	Subdivision (1 lot into 2) with associated services connection works
	7 Ada ST SCOTTSDALE	Value of Works - \$0	Determined APPD on 29/08/2024
DEV-2024/59	Mr L Adams	Lodged 11/06/2024	Construction of a bike hire shop with café and associated works within the road reserve
	79 Main ST DERBY 99 Main ST DERBY	Value of Works - \$700,000	Determined APPD on 13/08/2024
DEV-2024/61	Design to Live	Lodged 20/06/2024	Construction of a single dwelling with removal of outbuilding and associated works
	280 Oakdene RD LIETINNA	Value of Works - \$400,000	Determined APPD on 26/08/2024
DEV-2024/62	Stronach View Pty Ltd	Lodged 21/06/2024	Landscaping and garden supplies yard with installation of a relocated office
	34814 Tasman HWY SCOTTSDALE	Value of Works - \$20,000	Determined APPD on 02/08/2024

DEV-2024/76	Rainbow Building Solutions 2 Main RD MUSSELROE BAY	Lodged 30/07/2024 Carport addition Value of Works - \$33,770	Determined APPD on 23/08/2024
DEV-2024/77	Optimo Awnings Northern Pty Ltd 51 Walter ST BRIDPORT	Lodged 05/08/2024 Awning addition Value of Works - \$17,920	Determined APPD on 05/08/2024
DEV-2024/78	Cataract Designs 19 Mary ST BRIDPORT	Lodged 05/08/2024 Dwelling additions and alterations Value of Works - \$175,000	Determined APPD on 05/08/2024
DEV-2024/80	Optimo Awnings Northern Pty Ltd 38 Westwood ST BRIDPORT	Lodged 07/08/2024 Awning addition Value of Works - \$9,543	Determined APPD on 07/08/2024

DORSET COUNCIL – Building Approvals

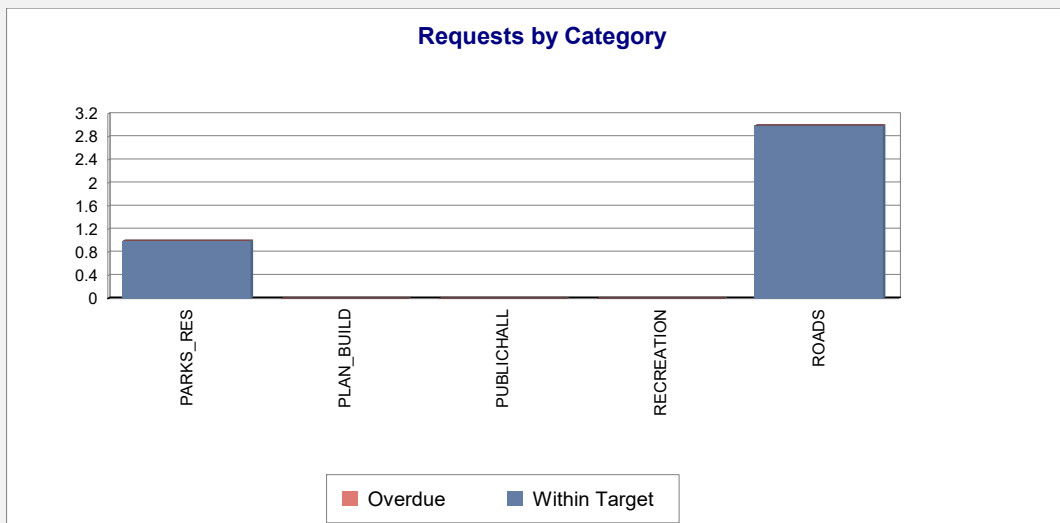
1 August 2024 to 31 August 2024

OTH-2024/56	TCP Building Design 39 Marilyn DR BRIDPORT	Lodged 03/07/2024 New Dwelling Value of Works - \$985,000	Determined APPR on 07/08/2024
OTH-2024/62	Bison Constructions 67 William ST SCOTTSDALE	Lodged 30/07/2024 Alterations and Additions to Factory and Office Value of Works - \$1,750,000	Determined APPR on 06/08/2024
OTH-2024/63	Northbourne Park Association Inc 21 Northbourne AVE SCOTTSDALE	Lodged 31/07/2024 New Dwelling (Villa 3) Value of Works - \$495,000	Determined APPR on 06/08/2024
OTH-2024/67	Coactive Building Design 35481 Tasman HWY SCOTTSDALE	Lodged 09/08/2024 Dwelling Alterations (Stage 2) Value of Works - \$140,000	Determined APPR on 15/08/2024
BLD-2024/29	Mr D W Marshall 646 Barnbougale RD BRIDPORT	Lodged 22/08/2024 Dwelling Value of Works - \$300,000	Determined APPR on 22/08/2024

DORSET COUNCIL – Plumbing Approvals

1 August 2024 to 31 August 2024

OTH-2024/56	TCP Building Design 39 Marilyn DR BRIDPORT	Lodged 03/07/2024 New Dwelling Value of Works - \$985,000	Determined APPR on 07/08/2024
SP-2024/62	Bison Constructions 67 William ST SCOTTSDALE	Lodged 30/07/2024 Alterations and Additions to Factory and Office Value of Works - \$1,750,000	Determined APPR on 06/08/2024
OTH-2024/63	Northbourne Park Association Inc 21 Northbourne AVE SCOTTSDALE	Lodged 31/07/2024 New Dwelling (Villa 3) Value of Works - \$495,000	Determined APPR on 06/08/2024
OTH-2024/67	Coactive Building Design 35481 Tasman HWY SCOTTSDALE	Lodged 09/08/2024 Dwelling Alterations (Stage 2) Value of Works - \$140,000	Determined APPR on 15/08/2024
SP-2024/29	Mr D W Marshall 646 Barnboughe RD BRIDPORT	Lodged 22/08/2024 Dwelling Value of Works - \$300,000	Determined APPR on 22/08/2024



Customer Request Summary by Category

For period 01/08/2024 to 31/08/2024

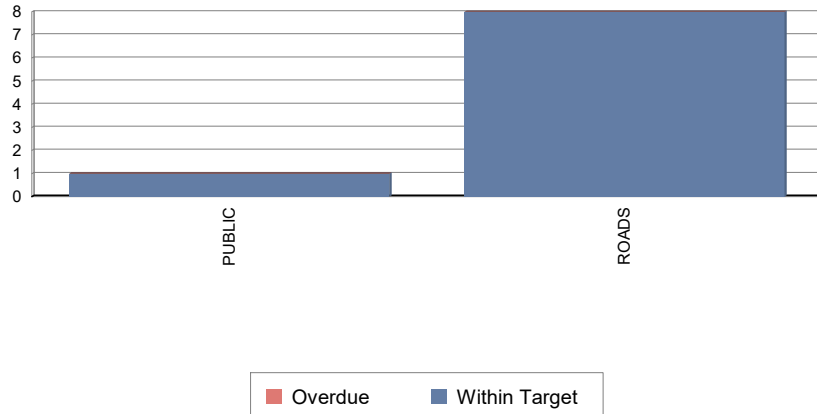
Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:13:32AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Parks & Reserves	1	1	1	100%	0	0%
Playground Maintenance	1	1	1	100%	0	0%
Planning & Building Services	1	0	0	0%	0	0%
Environmental Management Enquiries	1	0	0	0%	0	0%
Public Halls Buildings	1	0	0	0%	0	0%
Public Halls Buildings Maintenance	1	0	0	0%	0	0%
Recreation Grounds	2	0	0	0%	0	0%
Recreation Grounds Maintenance	2	0	0	0%	0	0%
Roads	7	3	3	43%	0	0%
Roads Rural - Maintenance	4	1	1	25%	0	0%
Roads Rural - Tree/Vegetation Maintenance	1	0	0	0%	0	0%
Roads Urban - Footpath Maintenance	1	1	1	100%	0	0%
Roads Urban - Maintenance	1	1	1	100%	0	0%
GRAND TOTAL	12	4	4	33%	0	0%

Requests by Category



Customer Request Summary by Category

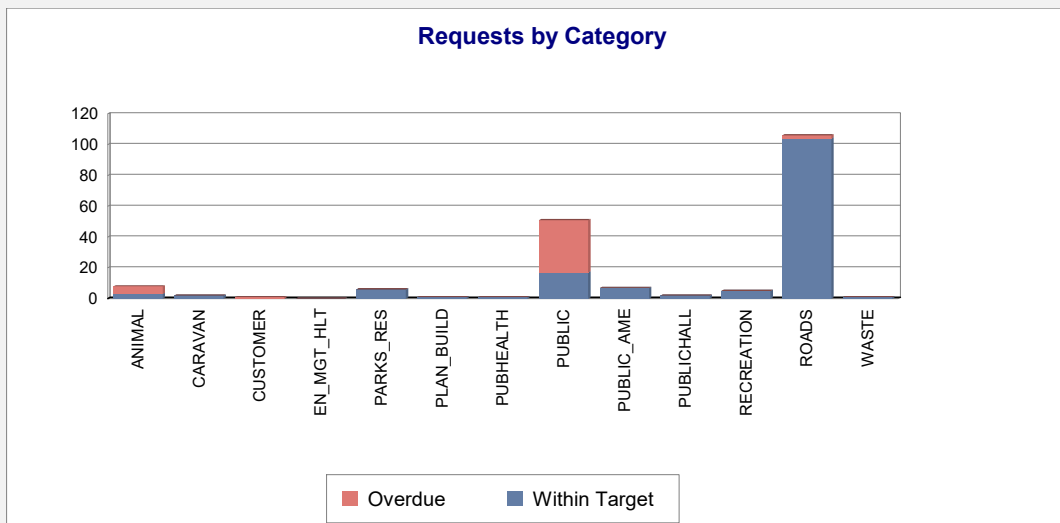
For period 01/08/2023 to 31/08/2023

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:16:58AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Public	1	1	1	100%	0	0%
Online Enquiries	1	1	1	100%	0	0%
Roads	12	8	8	67%	0	0%
Roads Rural - Maintenance	4	2	2	50%	0	0%
Roads Rural - Potholes/Patching Maintenance	1	1	1	100%	0	0%
Roads Rural - Shoulder Maintenance	1	1	1	100%	0	0%
Roads Rural - Tree/Vegetation Maintenance	1	0	0	0%	0	0%
Roads Urban - Maintenance	3	2	2	67%	0	0%
Roads Urban - Tree/Vegetation Maintenance	2	2	2	100%	0	0%
GRAND TOTAL	13	9	9	69%	0	0%



Customer Request Summary by Category

For period 01/01/2024 to 31/08/2024

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:17:05AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Animals	9	8	3	33%	5	56%
Animal Enquiry	3	2	1	33%	1	33%
Barking Dog	2	2	1	50%	1	50%
Animal Welfare	4	4	1	25%	3	75%
Caravan Parks	3	2	2	67%	0	0%
Caravan Parks Enquiries	1	1	1	100%	0	0%
Caravan Parks Maintenance	2	1	1	50%	0	0%
Customer Service	1	1	0	0%	1	100%
Customer Service General Enquiries	1	1	0	0%	1	100%
Environmental Management and Health	3	0	0	0%	0	0%
Fire Hazards	1	0	0	0%	0	0%
Noise Pollution	2	0	0	0%	0	0%
Parks & Reserves	6	6	6	100%	0	0%
Parks & Reserves Maintenance	4	4	4	100%	0	0%
Playground Maintenance	2	2	2	100%	0	0%
Planning & Building Services	3	1	1	33%	0	0%
Building Enquiries	1	0	0	0%	0	0%
Development General Enquiries	1	1	1	100%	0	0%
Environmental Management Enquiries	1	0	0	0%	0	0%
Public Health	1	1	1	100%	0	0%

Customer Request Summary by Category

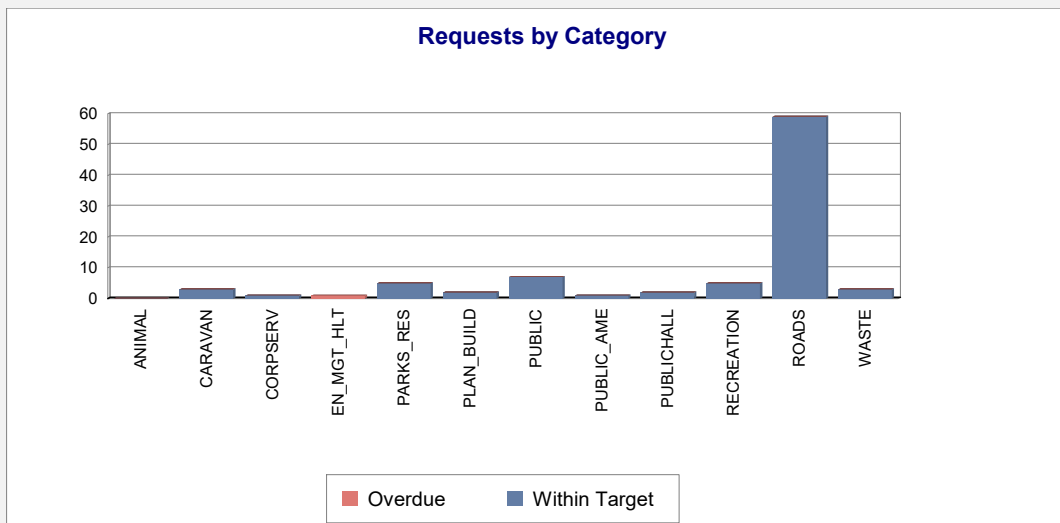
For period 01/01/2024 to 31/08/2024

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:17:05AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Public Health	1	1	1	100%	0	0%
Water Safety	1	1	1	100%	0	0%
Public	50	49	17	34%	34	68%
Online Enquiries	50	49	17	34%	34	68%
Public Amenities	9	7	7	78%	0	0%
Public Amenities Maintenance	9	7	7	78%	0	0%
Public Halls Buildings	3	2	2	67%	0	0%
Public Halls Buildings Enquiries	1	1	1	100%	0	0%
Public Halls Buildings Maintenance	2	1	1	50%	0	0%
Recreation Grounds	8	5	5	63%	0	0%
Recreation Grounds Maintenance	8	5	5	63%	0	0%
Roads	122	106	104	85%	2	2%
Roads Enquiries	3	3	3	100%	0	0%
Roads Rural - Kerb & Gutter Maintenance	10	7	7	70%	0	0%
Roads Rural - Maintenance	51	46	46	90%	0	0%
Roads Rural - Potholes/Patching Maintenance	1	1	1	100%	0	0%
Roads Rural - Shoulder Maintenance	1	1	1	100%	0	0%
Roads Rural - Signage & Guide Posts Maintenance	4	4	4	100%	0	0%
Roads Rural - Spraying/Pest Plant Control	1	1	1	100%	0	0%
Roads Rural - Tree/Vegetation Maintenance	8	7	7	88%	0	0%
Roads Rural - Verge Mowing/Slashing	5	4	4	80%	0	0%
Stormwater Maintenance	10	7	7	70%	0	0%
Roads Urban - Footpath Maintenance	9	8	8	89%	0	0%
Roads Urban - Garden Bed Maintenance	1	1	1	100%	0	0%
Roads Urban - Maintenance	10	9	7	70%	2	20%
Roads Urban - Spraying/Pest Plant Control	4	4	4	100%	0	0%
Roads Urban - Tree/Vegetation Maintenance	4	3	3	75%	0	0%
Waste Management	1	1	1	100%	0	0%
Littering	1	1	1	100%	0	0%
GRAND TOTAL	219	189	149	68%	42	19%



Customer Request Summary by Category

For period 01/01/2023 to 31/08/2023

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:17:05AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Animals	1	0	0	0%	0	0%
Animal Welfare	1	0	0	0%	0	0%
Caravan Parks	3	3	3	100%	0	0%
Bridport Holiday Park	2	2	2	100%	0	0%
Caravan Parks Maintenance	1	1	1	100%	0	0%
Corporate Services General	1	1	1	100%	0	0%
Right To Information	1	1	1	100%	0	0%
Environmental Management and Health	1	1	0	0%	1	100%
Fire Hazards	1	1	0	0%	1	100%
Parks & Reserves	6	5	5	83%	0	0%
Parks & Reserves Enquiries	1	1	1	100%	0	0%
Parks & Reserves Maintenance	4	3	3	75%	0	0%
Playground Maintenance	1	1	1	100%	0	0%
Planning & Building Services	3	2	2	67%	0	0%
Building Enquiries	1	1	1	100%	0	0%
Environmental Management Enquiries	1	1	1	100%	0	0%
Land Use & Economic Development Enquiries	1	0	0	0%	0	0%
Public	7	7	7	100%	0	0%
Online Enquiries	7	7	7	100%	0	0%
Public Amenities	1	1	1	100%	0	0%

Customer Request Summary by Category

For period 01/01/2023 to 31/08/2023

Double click onto the Minor Category to access Request detail

Dorset A7 *live*

Report Created: 10/09/2024 8:17:05AM

Major / Minor Category	New	Closed	Within Tgt	%	Overdue	%
Public Amenities	1	1	1	100%	0	0%
Public Amenities General Enquiries	1	1	1	100%	0	0%
Public Halls Buildings	4	2	2	50%	0	0%
Public Halls Buildings Enquiries	1	1	1	100%	0	0%
Public Halls Buildings Maintenance	3	1	1	33%	0	0%
Recreation Grounds	6	5	5	83%	0	0%
Recreation Grounds Enquiries	1	1	1	100%	0	0%
Recreation Grounds Maintenance	5	4	4	80%	0	0%
Roads	72	59	59	82%	0	0%
Roads Enquiries	1	1	1	100%	0	0%
Roads Rural - Kerb & Gutter Maintenance	3	2	2	67%	0	0%
Roads Rural - Maintenance	12	10	10	83%	0	0%
Roads Rural - Potholes/Patching Maintenance	17	16	16	94%	0	0%
Roads Rural - Shoulder Maintenance	3	3	3	100%	0	0%
Roads Rural - Signage & Guide Posts Maintenance	2	1	1	50%	0	0%
Roads Rural - Spraying/Pest Plant Control	4	4	4	100%	0	0%
Roads Rural - Tree/Vegetation Maintenance	4	2	2	50%	0	0%
Roads Rural - Verge Mowing/Slashing	1	1	1	100%	0	0%
Stormwater Maintenance	1	1	1	100%	0	0%
Roads Urban - Footpath Maintenance	5	3	3	60%	0	0%
Roads Urban - Maintenance	13	9	9	69%	0	0%
Roads Urban - Tree/Vegetation Maintenance	5	5	5	100%	0	0%
Roads Urban - Verge Mowing/Slashing	1	1	1	100%	0	0%
Waste Management	3	3	3	100%	0	0%
Littering	1	1	1	100%	0	0%
Waste Management Enquiries	2	2	2	100%	0	0%
GRAND TOTAL	108	89	88	81%	1	1%