



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council
will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on
Monday, 18 August 2025 at 5.30pm

Kingborough Councillors 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 14 to be held on Monday, 18 August 2025 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Dave Stewart
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by the
Kingborough Council pursuant to section 61 of the
Local Government Act 1993 (TAS)

Tuesday, 12 August 2025

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GUIDELINES FOR PUBLIC QUESTIONS

Division 4 of the *Local Government (Meeting Procedures) Regulations 2025*

This guide helps community members understand how to ask questions during Public Question Time at a Council meeting or sending in questions to be placed on the meeting Agenda, based on the [Local Government \(Meeting Procedures\) Regulations 2025](#), as well as any other determinations made by Council.

Please remember, this time is for asking questions only—there will be no discussion or debate about the questions or the answers.

How to Ask a Question:	<p>You can ask a question either:</p> <ul style="list-style-type: none">• In writing (before the meeting) (see questions on notice below), or• In person at a regular Council meeting (see questions without notice below). <p>Your question must be about Council activities only.</p>
Purpose of Question Time:	<ul style="list-style-type: none">• This time is for asking questions, not for debating them.• Answers will be given, but there won't be any discussion.
Written Questions (Questions on Notice):	<ul style="list-style-type: none">• Must be sent at least 7 days before the meeting.• The 7-day period includes weekends and public holidays, but not the day you submit the question or the day of the meeting.• Title your submission clearly as “Question/s on Notice.”
Verbal Questions (Questions Without Notice):	<ul style="list-style-type: none">• At least 15 minutes will be set aside during the meeting for these.• A maximum of three (3) questions will be allowed per person, per meeting.• You can't ask about topics already on the meeting agenda.• If your question can't be answered right away, it will be answered at the next meeting or as soon as possible.
Rules for Asking Questions:	<p>Your question should:</p> <ul style="list-style-type: none">• Be short and clear;• Not be a statement;• Have little or no introduction. <p>The Chairperson may reject your question if it:</p> <ul style="list-style-type: none">• Is offensive, defamatory, or illegal;• Doesn't relate to Council business;• Is unclear, repetitive, or about confidential matters.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 18 August 2025 at 5.30pm

WELCOME

The Chairperson will declare the meeting open and welcome all in attendance. The Chairperson will advise all persons attending the meeting that they are to be respectful of, and considerate towards, other persons attending the meeting.

AUDIO RECORDING

The Chairperson will advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

1 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

2 ATTENDEES

Councillors:

Mayor Councillor P Wriedt
Deputy Mayor Councillor C Glade-Wright
Councillor A Antolli
Councillor D Bain
Councillor G Cordover
Councillor K Deane
Councillor M Richardson
Councillor C Street

3 APOLOGIES

Councillor A Midgley
Councillor F Fox

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.13 held on 4 August 2025 be confirmed as a true record.

5 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
11 August	AFL High Performance Centre	Discussion on the land allocated for the AFL Training and Administration Centre and options relating to potential land transfer.

6 DECLARATIONS OF INTEREST

In accordance with Regulation 10 of the *Local Government (Meeting Procedures) Regulations 2025* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

7 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2025*.

8 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

9 QUESTIONS ON NOTICE FROM THE PUBLIC

Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.

9.1 Fencing and Boundaries

At the Council meeting on 21 July 2025, **Mrs Erica Roberts** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

According to the Fencing and Boundary Act, residents shall remove vegetation around their fencing. I'd like to also draw your attention to the fact that under the Forest Protection Act, there are exemptions that allow or permit responsible persons to remove potentially dangerous, large native eucalypts from areas around their infrastructure. Furthermore, under the occupational Health and Safety Act, all responsible persons have a responsibility, a duty of care, to remove hazardous or potentially hazardous material from their property to the maximum extent reasonably practical. How is this conflict going to be resolved? Is it going to be resolved in favour of the provisions of the Occupational Health and Safety Act and the Fencing and Boundaries Act and the TPA exemptions, or is Council going to create a new prohibition and force us to increase and develop the fire fuel load on our properties and endanger ourselves, our assets and our industries?

Officer's Response:

All legislation needs to be complied with. Where more than one Act is applicable, ascertaining the meaning and effect of each Act is needed.

- The *Boundary Fences Act 1908* primarily relates to the repair and erection of boundary fences.
- The *Land Use Planning and Approvals Act 1993* regulates use and development within the municipality, which includes the removal, destruction or lopping of trees (works).
- The *Forest Practices Act 1985* regulates forest practices on both public and private land.
- The *Work Health and Safety Act 2012* creates a nationally consistent framework to secure the health and safety of workers and workplaces.

An exemption to remove a native tree under one piece of legislation does not provide an exemption under others.

The Kingborough Interim Planning Scheme 2015 contains exemptions for vegetation removal relating to safety, bushfire hazard and the maintenance and or construction of boundary fences. Where there is no exemption and an application is required for vegetation removal, the vegetation removal will generally be approved where it is demonstrated to be reasonable and meets the applicable scheme requirements.

Council does not have any proposals to change the exemptions in the current or future planning scheme related to vegetation removal or introduce new prohibitions which will force landowners to increase the fire fuel load on their land.

Tasha Tyler-Moore, Manager Development Services

9.2 Biodiversity Offset Contributions

Mr Nathanael Elcock submitted the following questions on notice:

Kingborough Council have been successfully implementing a range of offset options for over 20 years:

1. *For the same time period used to attain those numbers, how many private landowner applicants were there that contributed to these figures? Please provide the adjusted numbers to reflect the impact on private landowners.*
2. *For the same time period used to attain the above numbers, how many private landowner applicants and figures of financial and land in ha were considered for a contribution for an offset contribution that contested the proposal?*
3. *For the same time period used to attain those numbers, what was the single highest private landowner contribution request either accepted, contested or pending payment/transfer of land in conjunction with a development application for a dwelling?*

Officer's Response:

1. Over the period from 2010-2024:
 - a. 532 applicants whose development or tree removal were on private land contributed a financial biodiversity offset to the Kingborough Environmental Fund. Financial offset contributions can be accessed on Council's website: [KEF ContributionsReconciliation table 2025.pdf](#)
 - b. 57 applications for development on private land resulted in a Part 5 Agreement as the offset.

NB: Developments/works that occurred on private land was used as a surrogate for *private landowner applicants*.

The range of development types that occur on private land is hugely varied. Therefore these offsets relate to a broad range of development and works including commercial developments, subdivisions, unit development, quarry developments, visitor accommodation, single dwellings, private education infrastructure and retirement villages.

Biodiversity offsets in these figures also apply to both development and works approved through the Kingborough Interim Planning Scheme and Council's by-laws.

2. Five applications involving a financial contribution or on-site offset via a Part 5 Agreement were contested through an Appeal during this period. Of these appeals, two (2) related to financial offsets and three (3) related to Part 5.
3. The highest offset contribution for a development application for a dwelling was \$16 500 for a house, shed and roading through bushland. The mean financial offset across all of the development types is \$2355.

The single largest area protected under a Part 5 Agreement as an offset for a single dwelling was 11.5 hectares, with the average area protected for a single dwelling being 2.3 hectares.

Liz Quinn, Manager Environmental Services

9.3 Local Provisions Schedule

Ms Jo Landon submitted the following question on notice:

1. *Could Council please provide details of all the differences between the draft Local Provisions Schedule that was submitted to the Tasmanian Planning Commission in December 2019, and the draft Local Provisions Schedule that was submitted to the Tasmanian Planning Commission in February 2020?*
2. *On page 10 of the s35F Report, it states that one of the key themes in representations was opposition to Kingborough Council's Biodiversity Offset Policy; how many representations opposed this policy?*
3. *The s35F Report also states that the Biodiversity Offset Policy "is mainly a Council matter as it is only referenced in the proposed new SAPs and can be applied even if not specifically referenced in the planning scheme"; could Council please explain how the policy could be applied without being referenced in the planning scheme?*
4. *The public exhibition period of the draft Local Provisions Schedule officially closed on 9 December 2024; how many representations were received up until 9 December 2024?*
5. *On what date did Council stop accepting late representations?*
6. *How many late representations were received between 9 December 2024 and the date Council stopped accepting late representations?*

Officer's Response:

A full response to the above questions will be provided on the next Council meeting Agenda.

Tasha Tyler-Moore, Manager Development Services

10 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

11 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time the Agenda was compiled there were no Questions on Notice from Councillors.

12 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

13 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

14 OFFICERS REPORTS TO COUNCIL

14.1 ANNUAL PLAN 2025/2026

File Number: 25.3, 25.19

Author: Dave Stewart, Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

1.1 The purpose of this report is to present Council with the Annual Plan 2025/26.

2. BACKGROUND

2.1 At the Council meeting on 16 June 2025, Council adopted the Estimates of Revenue and Expenditure for the 2025/26 financial year. The approved Annual Estimates have been incorporated within the Annual Plan 2025/26.

2.2 The proposed actions for 2025/26 are held within the Strategic Plan 2020-2025.

3. STATUTORY REQUIREMENTS

3.1 Section 66 of the *Local Government Act 1993* requires that Council prepare and maintain a Strategic Plan.

3.2 Section 71 of the *Local Government Act 1993* requires that Council adopt an Annual Plan. The Annual Plan is to be:

(a) *Consistent with the strategic plan;*

- (b) *Include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan;*
- (c) *Include a summary of the estimates adopted under section 82; and*
- (d) *Include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

4. DISCUSSION

- 4.1 The Annual Plan 2025/26 highlights a summary of activities developed in line with the Strategic Plan adopted by Council on 9 September 2019 (Minute C609/18-19 refers).
- 4.2 The activities highlighted in the Annual Plan are not an exhaustive list of Council's programs for the coming year. They provide a snapshot of activities that are to be implemented for each strategic priority.
- 4.3 The Annual Plan has been designed to reflect Council's request for strategies and actions to be clear and achievable. It is a more concise and accessible document than has been drafted previously.

5. FINANCE

- 5.1 The Annual Plan incorporates the Estimates of Revenue and Expenditure for the 2025/26 financial year, as approved by Council on 16 June 2025 (minute C166/10-2025 refers).

6. ENVIRONMENT

- 6.1 There are no environmental matters associated with this report.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Annual Plan will be placed on Council's website and printed copies made for any person who requires a copy.

8. RISK

- 8.1 Following the adoption of the Estimates, there is no risk in adopting the Annual Plan.

9. CONCLUSION

- 9.1 The Annual Plan, including the summary of Strategic Actions and Estimates, describes Council's main activities for the 2025/26 financial year.

10. RECOMMENDATION

That in accordance with Section 71 of the *Local Government Act 1993*, Council adopts the Annual Plan for the 2025/26 financial year and instructs the Chief Executive Officer to:

- a) Make a copy of the Annual Plan available for public inspection at the Civic Centre and on Council's website; and
- b) Provide a copy of the Annual Plan to the Director of Local Government and to the Director of Public Health.

ATTACHMENTS

1. Draft Annual Plan 2025/26



ACKNOWLEDGEMENT TO TRADITIONAL CUSTODIANS

We acknowledge the Traditional Custodians who have walked upon and cared for this land for thousands of years.

We pay our respects to the elders, past and present, and acknowledge today's Tasmanian Aboriginal people who follow in their ancestors' footsteps.

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MESSAGE FROM THE MAYOR & CEO

We are pleased to present Kingborough Council's Annual Plan for 2025/26 – a roadmap of key initiatives and priorities that will guide our work over the next 12 months. This plan aligns to the strategic objectives set out in our 2020-2025 Strategic Plan, translating our shared vision into action.

Throughout the year, we hear from many residents who share our aspiration for Kingborough to be a vibrant place to live, work and play. We deeply value the pride our community takes in Kingborough, and remain committed to building on that strong foundation through the work of Council.

As one of Tasmania's fastest-growing regions, Kingborough is experiencing significant development. From new sporting high-performance facilities to expanded shopping precincts and improved transport infrastructure, there are many exciting projects already underway or planned. These developments promise substantial economic benefits for our region; however, they also require thoughtful, responsible planning to ensure long-term sustainability.

This Annual Plan reflects our commitment to making informed decisions that serve today's community while preparing us for future generations. We look forward to continuing our journey toward a kind, thriving and connected Kingborough.


Cr Paula Wriedt
MAYOR


Dave Stewart
CHIEF EXECUTIVE OFFICER

National Tree Day 2025

ABOUT THE ANNUAL PLAN

Under Section 71 of the *Local Government Act 1993* (Tas), Kingborough Council must produce an Annual Plan each financial year. Additionally, Council must prepare a 10 year Strategic Plan, reviewed at least every four years. The Annual Plan must align with this Strategic Plan and clearly outline how Council will achieve its strategic goals and objectives.

Purpose and Content

The Annual Plan must include:

- A statement of how Council will meet the goals and objectives of the Strategic Plan.
- Estimates of revenue and expenditure for the financial year.
- A summary of major strategies related to public health goals and objectives.

2025/26 Annual Plan Focus

The 2025/2026 Annual Plan outlines the key actions Council will undertake during the financial year. These high-level actions are aligned with the goals of the Strategic Plan/Corporate Plan 2024–2026 and other operational plans. They represent initiatives of significant importance to our community. These actions will be delivered alongside Council's ongoing operational services and annual capital works program.

Financial and Public Health Summary

A detailed Summary of Estimates for 2025/2026 is provided at the end of this document, along with an overview of our public health goals and strategies.

Budget Estimates and Performance Monitoring

The budget estimates presented on page [insert page number] detail how Council will fund its services and projects for the 2025/2026 financial year. These estimates are directly linked to the achievement of the Strategic Plan and form part of Council's broader planning framework.

To assess progress, performance indicators are included as a means of measuring whether Council is successfully delivering the tasks outlined in this Annual Plan. Council's performance against these indicators will be reported in the Annual Report, published later in the calendar year.

Community Consultation

Community consultation on the draft 2024/2025 Budget was conducted between 14 March and 7 April 2025. Feedback received during this period was carefully considered by Elected Members through a series of Budget Workshops. This input informed the final adoption of the 2025/2026 Budget and Annual Plan.

KEY PRIORITY 1:

Encourage and support a safe, healthy and connected community

- 1.1 A Council that engages with and enables its community
- 1.2 An inclusive community that has a strong sense of pride and local identity
- 1.3 A resilient community with the capacity to flourish
- 1.4 A Council that acknowledges the existence of a climate change and biodiversity emergency and has in place strategies to respond
- 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities

- 1.1.1 Undertake stakeholder and community engagement on Council strategies and plans utilising contemporary community engagement and communication techniques.
- 1.1.2 Deliver services and events to ensure the needs, issues and aspirations of young people in our community are embedded into program delivery by Council.
- 1.1.3 Provide services and programs that meet the needs of older people in our community.
- 1.1.4 Undertake community consultation in relation to Council's budget.
- 1.1.5 Maintain an active involvement at regional and state government levels to advocate on behalf of the local community.
- 1.1.6 Refresh the Kingborough Council Strategic Plan.
- 1.2.1 Deliver a range of civic, cultural and community events that celebrate local attributes.
- 1.2.2 Provide services, events, advocacy and leadership for arts and culture.
- 1.2.3 Maximise the usage of the Kingborough Community Hub as a focal point for community activities.
- 1.2.4 Commence development of a Local Historic Heritage Code to protect the historic cultural heritage significance of places, precincts and landscapes.
- 1.2.5 Implement the Kingborough Multicultural Action Plan.

- 1.3.1 Meet obligations under the *Emergency Management Act 2006* and Tasmanian Emergency Management arrangements.
- 1.3.2 Support the community to prepare for emergency events.
- 1.3.3 Identify the municipality's risks and vulnerabilities to different hazards and then put specific measures in place to help manage and reduce them.
- 1.3.4 Continue to review, update and implement Council's Public Health Emergency Management Sub-Plan to guide the management of risks to the community.
- 1.3.5 Deliver the Kingborough Volunteer Program to assist older residents to continue to live in the community with dignity.
- 1.3.6 Continue organisational support for volunteering opportunities and recognise and celebrate volunteers in the community.
- 1.3.7 Provide support to community groups through a transparent and targeted provision of grants for community-based projects.
- 1.3.8 Conduct an annual risk management review and ensure that business continuity measures are in place to ensure that the delivery of essential services to the community is maintained.
- 1.4.1 Review, update and implement the Kingborough Climate Change Action Plan 2019-2024, including development of a governance structure, processes and systems to ensure its implementation and reporting on progress.

- 1.4.2 Facilitate community engagement on climate change and strengthen community resilience to its impacts.
- 1.4.3 Continue to develop and implement coastal management framework, including reviewing the Coastal Hazards Policy and associated plans to guide planning and management of coastal assets.
- 1.4.4 Undertake flood modelling investigations to inform the flood risk strategy.
- 1.4.5 Consider the future impacts of climate change in the development of strategies and master plans for the development of new community infrastructure.
- 1.5.1 Implement the Kingborough Tracks and Trails Action Plan.
- 1.5.2 Continue to review, update and implement the Recreational Water Quality Management Strategy to improve water quality of Council's beaches used for recreational activities.
- 1.5.3 Implement priority actions from the Kingborough Sport and Recreation Strategy.
- 1.5.4 Continue to review, update and implement Council's Immunisation program providing Kingborough community members access to NIP funded immunisations through school based and community clinics.
- 1.5.5 Implement the Kingborough Community Health and Wellbeing Strategy.

KEY PRIORITY 2:

Deliver quality infrastructure and services

- 2.1 Service provision meets the current and future requirements of residents and visitors
- 2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population
- 2.3 Community facilities are safe, accessible and meet contemporary standards
- 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability
- 2.5 Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment

- 2.1.1 Advocate to the State Government to develop an Emergency Services Hub in Kingborough.
- 2.1.2 Deliver business improvement initiatives.
- 2.1.3 Review the compliance approach to ensure that it is in the public interest, is transparent, fair, efficient and consistent.
- 2.1.4 Ensure that systems are in place to enable the electronic lodgement of applications and online bookings for facilities.
- 2.1.5 Develop and implement an Information and Communications Technology strategy to improve the efficiency and effectiveness of Council's service delivery.
- 2.1.6 Provide a publicly accessible GIS that enables a good understanding of property related opportunities and constraints.

- 2.2.1 Develop and implement master plans for Council's sportsgrounds.
- 2.2.2 Deliver the annual infrastructure Capital Works program.
- 2.2.3 Utilise current demographic data and projections for Kingborough to assist in the preparation of strategies for infrastructure development.
- 2.2.4 Review the Long-Term Financial Plan to ensure that Council has the capacity to deliver on its Strategic Plan.
- 2.2.5 Implement an annual update of digital imagery to improve the accuracy of spatial data analysis and desktop assessments.
- 2.2.6 Commence development of an updated strategic asset management plan across all asset classes.

- 2.2.7 Work with state government and sporting bodies to deliver developments in the Kingborough Sports Precinct.

- 2.3.1 Through the Disability Inclusion and Access Advisory Committee, improve the accessibility of Council's services, buildings and information to people with disability.

- 2.3.2 Implement the Kingborough Public Toilet Strategy and ensure effective provision, upgrading and maintenance of Council owned public toilets throughout the Municipal Area.

- 2.3.3 Implement the Kingborough Playground Strategy to provide a comprehensive network of quality, accessible and well-maintained playgrounds throughout Kingborough.

- 2.3.4 Develop a building maintenance schedule and inspection regime to provide proactive maintenance of Council's buildings and community facilities.

- 2.3.5 Implement the Kingborough Community Halls Strategy to provide accessible and functional halls throughout Kingborough.

- 2.3.6 Replace the use of keys to access Council buildings with swipe cards and electronic access systems.

- 2.4.1 Utilise the pathway system to ensure closing of the loop to customers in relation to works requests.

- 2.4.2 Prepare an annual operational plan that clearly articulates the values, key results areas, performance measures and deliverables for the organisation.

- 2.4.3 Develop baseline data on customer satisfaction and use this to develop KPI targets and identify process improvements.

- 2.4.4 Continue to explore shared service opportunities with other councils.

- 2.4.5 Continue to develop and implement Council's Child and Youthsafe organisations framework.

- 2.4.6 Develop and deliver a cultural change program for the implementation of operational accountability.

- 2.5.1 Monitor and respond to organisational workforce requirements aligning workforce strategies, learning and development initiatives, and resourcing capacity with evolving priorities.

- 2.5.2 Implement Council's Work Health and Safety Management Plan and System and deliver the identified WHS strategies to meet Council's obligations under the *Work Health and Safety Act 2012 (Tas)*.

- 2.5.3 Implement and deliver an annual employee health and well-being program

- 2.5.4 Provide regular program of staff training and support the uptake and use of information technology.

- 2.5.5 Undertake negotiations for the 2026 Kingborough Council Enterprise Agreement.

KEY PRIORITY 3:

Sustaining the natural environment whilst facilitating development for the future

- 3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth
- 3.2 A community that has a well-developed sense of natural and cultural heritage
- 3.3 Council is able to demonstrate strong environmental stewardship and leadership
- 3.4 Best practice land use planning systems are in place to manage the current and future impacts of development
- 3.5 Management of environmental assets is based on professional advice and strategic planning

3.1.1 Continue delivering Council's Tree Strategy 2023-2033 and maintain a register of Significant Trees.

3.1.2 Review the proposed Kingborough Tree By-law for Council consideration.

3.1.3 Deliver biodiversity offset projects under the Kingborough Environmental Fund Implementation Plan.

3.1.4 Protect and manage Council's natural area reserve network through the development and implementation of Reserve Management Plans.

3.1.5 Commence the development of a Creek Maintenance Strategy for high priority waterways.

3.2.1 Provide opportunities and engage the community in the conservation and restoration of our natural areas, wildlife and plants.

3.2.2 Continue to support and coordinate the activities of Landcare groups across the municipality to undertake environmental activities on Council land.

3.2.3 Continue to recognise and strengthen relationships with the Aboriginal Community and promote understanding of cultural heritage.

3.2.4 Continue to implement the North West Bay River Catchment Management Plan as a member of the River Action Group.

3.3.1 Update the Kingborough Waste Management Strategy 2018 to deliver cost effective and efficient waste and recycling services to residents, improve recycling rates, reduce emissions and energy usage and reduce the impacts of illegal dumping and littering.

3.3.2 Implement the Kingborough Dog Management Policy 2023 and provide education and enforcement of restrictions in areas with environmental values.

3.3.3 Continue the development and implementation of an environmental management system for Council managed activities.

3.3.4 Promote responsible cat ownership and work with the community and stakeholders to implement programs that minimise the impacts of cats (via predation, disease and nuisance).

3.4.1 Progress implementation of the Barretta Environmental Management Plan.

3.4.2 Implement the Kingborough Weed Management Strategy 2017-2027.

3.5.1 Develop and implement a natural areas and biodiversity strategy to underpin the management of Council's natural area reserves network and approach to managing the key threatening processes for biodiversity in Kingborough.

3.5.2 Update the Bushfire Risk Reduction Strategy and associated actions in Reserve Bushfire Plans for Council land.

3.5.3 Collaborate with key stakeholders to contribute to the recovery of threatened species and threatened vegetation communities.

PUBLIC HEALTH GOALS & OBJECTIVES

Kingborough Council is committed to creating and maintaining a healthy and resilient environment for our community through education and the regulation of public and environmental health activities. The Environmental Health program covers a wide range of aspects of the natural and built environment that may affect the health and well-being of the community. Council is responsible for ensuring the statutory obligations under the *Public Health Act 1997*, the *Environmental Management and Pollution Control Act 1994*, the *Food Act 2003*, *Food Regulations 2022* and the *Local Government Act 1993* are met.

Our public health programs include immunisations, food safety, water quality monitoring (recreational waterways and public pools), private water supplies, smoke-free areas, place of assembly assessment, public health risk activities and the regulatory management of these issues.

Food Safety

Our officers routinely inspect registered food premises within the municipality and check to make sure that these businesses are operating in line with the requirements of the *Food Act 2003* and the Food Safety Standards. Council currently has 269 registered fixed and mobile food premises. Environmental Health Officers consider the following when inspecting food businesses:

- Cleanliness
- Safe food handling practices
- Appropriate temperature control of potentially hazardous food
- Food labelling
- Whether the premises and equipment are being maintained to an acceptable level.

The Environmental Health team participates in the Southern Food Sampling program.

Immunisation

Council coordinates and implements a Public Health Immunisation Program which includes school-based immunisations, infant clinics and school catch up clinics.

Water Quality

Monitoring and improving recreational water quality continues to be a priority. Sampling at popular swimming beaches in the Derwent, the Channel and Bruny Island is undertaken every Tuesday during the recreational season of December to March. This information is reported to the community through the Derwent Estuary Program's, Beach Watch Program. Council officers work together to monitor, sample our beaches and stormwater outfalls to track and trace any potential contamination sources. We collaborate with the Derwent Estuary Program, the Department of Health and TasWater to ensure the high community value placed on recreational beach use is maintained.

BUDGET ESTIMATES

The annual budget is developed by Council officers, beginning in January each year. Draft consolidated estimates are prepared and reviewed through multiple iterations during workshops with Councillors, held from February to May. These workshops provide an opportunity for detailed consideration and refinement of the budget.

Council undertook a community survey of budget priorities. This process ensures transparency and allows the community to contribute to the financial planning of Council.

The budget is formulated within the framework of Council's Long Term Financial Plan, ensuring alignment with strategic priorities and financial sustainability.

The final budget estimates and rating resolutions for the 2025/2026 financial year were formally adopted by Council at its meeting on 16 June 2025.

BUDGET OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 2026

	Budget 2025/26 \$'000	Forecast 2024/25 \$'000
INCOME		
Rates	43,781	40,657
Fire Service Levies	2,224	2,131
Statutory Fees & Fines	1,875	1,975
User Charges	1,931	1,873
Grants - Operating	3,394	3,394
Contributions - cash	230	297
Interest	377	450
Other Income	2,027	1,839
Dividends - TasWater	1,602	1,478
Share of profit (loss) in associate/subsidiary	1,011	1,105
Total Operating Income	58,452	55,199
EXPENSES		
Materials and Contracts	13,987	13,502
Employee Costs	21,474	19,831
Depreciation	16,945	16,040
Levies to State Government	2,224	2,131
Borrowing Costs	670	610
Other Expenses	4,925	4,550
Carrying Amount of Assets Retired (written off)	750	71
Total Operating Expenses	60,975	56,735
Capital and Non-Recurring Items		
Capital Grants and contributions	2,901	4,124
Contributions - non cash	1,000	1,000
NET SURPLUS (DEFICIT)	1,378	3,588
Adjust Capital and Non recurring items		
Capital items	3,901	5,124
Profit on sale of land	0	0
UNDERLYING SURPLUS / (DEFICIT)	(2,523)	(1,536)

BUDGET STATEMENT OF CASH FLOWS 30 JUNE 2026

	Budget 2025/26 \$'000	Budget 2024/25 \$'000
CASH FLOWS FROM OPERATIVE ACTIVITIES		
Receipts from Ratepayers & Users	51,858	48,405
Payments to Suppliers & Staff	(40,807)	(37,808)
Interest	377	400
Operating Grants	3,394	3,000
Dividends - TasWater	1,602	1,478
Borrowing Costs	(670)	(610)
Payments to Government	(2,224)	(2,131)
Net Cash Flow from Operating Activities	13,730	12,734
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from the Sale of Assets	400	400
Developer Contributions	230	227
Acquisition of Capital Assets (incl Plant)	(20,294)	(10,997)
Net Cash Flow used in Investing Activities	(19,664)	(10,370)
CASH FLOWS FROM FINANCING ACTIVITIES		
Repayment of Borrowings	0	0
Receipts from Government - Capital	2,901	596
Loan proceeds	0	0
Net Cash Flow from Financing Activities	2,901	596
NET (DECREASE)/INCREASE IN CASH HELD	(3,034)	2,960
Cash at the Beginning of the Year	12,346	7,049
CASH AT THE END OF THE YEAR	9,311	10,009

BUDGET STATEMENT OF FINANCIAL POSITION 30 JUNE 2026

	Budget 2025/26 \$'000	Budget 2024/25 \$'000
CURRENT ASSETS		
Cash	1,500	1,500
Investments	7,811	8,509
Receivables	1,538	2,194
Other	81	86
Total Current Assets	10,930	12,289
NON-CURRENT ASSETS		
Land and Buildings	247,544	191,602
Plant and Vehicles	5,973	6,103
Furniture and Equipment	479	421
Infrastructure Assets	686,620	654,660
Intangible Assets	758	1,004
Investment - Copping Waste Authority	6,424	5,125
Investment - TasWater	100,625	95,488
Total Non-Current Assets	1,048,423	954,404
TOTAL ASSETS	1,059,353	966,693
CURRENT LIABILITIES		
Creditors	5,712	6,626
Provisions	2,635	2,752
Loan Borrowings (incl lease liab)	-	-
Trust Funds & Deposits	1,570	1,726
Total Current Liabilities	9,917	11,104
NON-CURRENT LIABILITIES		
Loan Borrowings	13,900	13,900
Provisions	1,914	1,273
Total Non-Current Liabilities	15,814	15,174
TOTAL LIABILITIES	25,731	26,277
NET ASSETS	1,033,621	940,416
COMMUNITY EQUITY		
Reserves	726,713	635,654
Accumulated Surplus	306,908	304,761
TOTAL COMMUNITY EQUITY	1,033,621	940,415

ACCESSIBILITY

If you would like to receive this publication in an alternate format, please contact Kingborough Council.

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This Annual Plan can be viewed on Council's website.

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CONTACT

Kingborough Council
15 Channel Highway
Kingston TAS 7050

03 6211 8200

kc@kingborough.tas.gov.au

www.kingborough.tas.gov.au

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14.2 COLLABORATIVE NETWORK OF SOUTHERN TASMANIAN COUNCILS

File Number:**Author:** Dave Stewart, Chief Executive Officer**Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.
Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is for Council to consider its support for a new collaboration of southern region local government councils.

2. BACKGROUND

- 2.1 The Southern Tasmanian Councils Authority (STCA) was established in 2006 to enable the twelve southern councils (Brighton, Central Highlands, Clarence City, Derwent Valley, Glamorgan/Spring Bay, Glenorchy City, Hobart City, Huon Valley, Kingborough, Sorell, Southern Midlands and Tasman) to facilitate and co-ordinate agreed regional development strategies and actions for the southern region.
- 2.2 Membership of the STCA has been in decline over many years with Glenorchy, Kingborough and Clarence having previously withdrawn and Glamorgan Spring Bay and Derwent Valley Councils withdrawing last year.
- 2.3 Given the withdrawal of the above Councils, the STCA was representing only seven of the twelve Southern Council areas. The STCA Board has determined to wind up the Authority.
- 2.4 There is an ongoing need for southern Councils to engage closely, particularly in respect to regional priority areas. Accordingly, an approach to regional engagement between the southern Councils is required in which the needs all of the councils are met. A new collaboration has been proposed which would be supported by Regional Development Australia (Tasmania) (RDA Tas).

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements on for the establishment of a new collaborative group.
- 3.2 Depending on outputs of the collaboration various statutory requirements may be considered.

4. DISCUSSION

- 4.1 The STCA was established to provide a regional development service that reasonably met the needs and demands of the southern City Councils, while also meeting the needs and demands of the regional southern Tasmanian Councils, which vary in size, needs and capacity. History has demonstrated that this has not been sustainable as a majority of the urban Councils have withdrawn their membership identifying that their needs are vastly different to those of the majority of regional STCA members.
- 4.2 Notwithstanding, there is an ongoing need for southern Councils to engage closely, particularly in respect to the Southern Regional Land Use Strategy, legislative reform areas

and other regional priorities. Accordingly, an alternative approach to regional engagement between the southern Councils is required in which the needs of regional Councils can be balanced against the needs of the southern region city/urban Councils, and regional projects can continue to be regionally managed in a coordinated way.

- 4.3 RDA Tas was appointed to provide executive support to facilitate a full review of STCA in 2024. The review explored a variety of options for delivering a workable regional collaboration model for southern Tasmania.
- 4.4 The review identified that RDA Tas is ideally placed to support the development of a regional collaboration model in southern Tasmania as it is consistent with the overall purpose and mission of the organisation. RDA Tas is well versed in managing conflicting interests in their advocacy and engagement work and, given that it is an existing organisation, would prevent the need to establish a new regional organisation. At its meeting on 16 December 2024, the STCA Board unanimously supported the formation and funding of a proposed collaborative network of southern Tasmanian councils which would be supported by RDA Tasmania.
- 4.5 RDA Tas has been successfully supporting the STCA, through secretariat support, over the last twelve months and has provided a proposal to support a collaborative network of southern Tasmanian councils in lieu of a formal STCA model. The collaborative network would aim to foster quarterly forums and joint policy setting focused on data and insights as well as managing shared service opportunities and regional project collaboration on an as needs basis. The southern Tasmanian Councils share overlapping priorities and challenges, including economic development, infrastructure, community well-being, and sustainable growth. A coordinated approach is crucial to maximise resources, improve efficiencies, and address shared challenges effectively as well as more effective advocacy for shared priorities. RDA Tas, with its expertise in regional collaboration, strategic planning, and data-driven decision-making is well positioned to support this initiative.
- 4.6 The objectives of the collaborative network would be to:
- Facilitate collaboration by providing a structured platform for councils to exchange knowledge, align priorities, and foster partnerships.
 - Leverage data and insights to enable evidence-based decision-making by sharing regional data, analytics, and trends.
 - Encourage efficiency by identifying shared service opportunities and streamline resource allocation.
 - Drive strategic projects by supporting collaborative projects that address regional challenges and opportunities.
 - Enhance governance by providing administrative and logistical support to ensure forums are effective and outcomes focused.
 - Support regional communication by providing a point of contact for stakeholders to engage at a southern scale.
- 4.7 The governance structure for the new model would include the Chief Executive Officer/General Manager or delegate from each southern Tasmanian Council with the role of chairperson rotating amongst the councils, supported by RDA Tasmania. Elected Members would be engaged in the business of the collaborative network via their respective CEO's/General Managers and ultimately would be responsible for making decisions regarding their respective Council's involvement and/or expenditure on regional collaboration initiatives. It is proposed to hold regional Elected Member forums periodically to consider matters of regional importance with a Council of Mayors (or elected delegate) to be held once a year in conjunction with the CEO's/General Managers. Working groups would be formed on an ad-hoc basis for specific initiatives or projects. Terms of reference

would be developed to underpin the collaborative network and include annual reporting and financial statements.

4.8 The benefits of the network include:

- Stronger regional collaboration and shared vision
- Enhanced capacity for data-driven decision-making
- Cost savings through shared services and coordinated efforts
- Increased success in securing funding for joint projects
- A unified voice in advocating for regional priorities
- Efficiency of using existing not for profit entity and regional capacity.

4.9 The proposal being presented by RDA Tasmania is for a two-year commitment, reviewed annually with a view to the network becoming self-supporting. This model will provide opportunity to review performance against cost, to ensure that the collaborative network is achieving its goals and representing good value for money.

5. FINANCE

5.1 The proposed annual budget for the collaborative network is \$75,500 with additional project funding and grants being pursued on an agreed and case-by-case basis. The total cost would be shared across the southern Councils and would be based on population ranging from \$3,000 to \$9,500. The broad payment categories based on population (Tas Treasury Estimates 30 June 2023) are set out below:

<3,000 = \$3,000

<10,000 = \$4,000

<20,000 = \$6,500

>20,000 = \$9,500

5.2 Kingborough Council, due to its population size, would have an annual fee of \$9,500 (equal to Glenorchy, Hobart and Clarence). A funding allocation has been included in the current annual budget to cover the cost of Kingborough's participation, in anticipation of the recommendations contained in this report being endorsed by Council.

6. ENVIRONMENT

6.1 There are no direct environmental considerations stemming from this report and recommendation.

7. COMMUNICATION AND CONSULTATION

7.1 Discussions have been held the Greater Hobart Committee and Greater Hobart Strategic Partnership in relation to expanded membership.

7.2 The Committee and Strategic Partnership have maintained their approach focusing in the four Greater Hobart Councils as established under the Greater Hobart Act 2019.

7.3 This proposal seeks to establish of a new collaborative body across the wider Southern Tasmania area with support provided by Regional Development Australia (Tasmania) (RDA Tas). The new collaborative network will be CEO led, with involvement on relevant regional issues by council staff, supported by RDA (Tas).

7.4 No public consultation has occurred in the development of this proposal

8. RISK

- 8.1 There are no direct risks stemming from this report and recommendation.

9. CONCLUSION

- 9.1 Due to decreasing membership of the STCA a review of the Authority was undertaken. Acknowledging the need for ongoing collaboration between the Councils of Southern Tasmania a new collaborative network has been proposed supported by RDA Tas.
- 9.2 The proposal for this establishment of the Collaborative Network of Southern Tasmanian Councils is now presented to Council for formal consideration.

10. RECOMMENDATION

That Council endorse participation in the Collaborative Network of Southern Tasmanian Councils, which would be supported through Regional Development Australia (Tasmania) and replace the Southern Tasmanian Councils Authority.

ATTACHMENTS

Nil

Public Copy

14.3 RISK MANAGEMENT POLICY

File Number: 12.81

Author: David Spinks, Director People & Finance

Authoriser: Dave Stewart, Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

1.1 The purpose of this report is to present a review of Policy 3.10 Risk Management.

2. BACKGROUND

2.1 The Risk Management Policy was last reviewed in December 2020 and is scheduled for update.

2.2 The policy was developed to provide guidance on the management of Council's risks and to ensure a risk culture is embedded into activities and processes.

3. STATUTORY REQUIREMENTS

3.1 Council is required to prepare a Strategic Plan under Section 66 of the *Local Government Act 1993*. The risk management policy and risk management strategy are key considerations when developing Council's Strategic Plan.

4. DISCUSSION

4.1 The attached policy has been reviewed by the Audit Panel at its meeting of 8 August.

4.2 Except for some editorial changes it is considered the policy remains appropriate.

5. FINANCE

5.1 There are no budget implications of the updated risk management policy.

6. ENVIRONMENT

6.1 There are no environmental implications associated with the review of this policy.

7. COMMUNICATION AND CONSULTATION

7.1 Council's Risk Management Policy is publicly available on the website.

8. RISK

8.1 Council recognises that as a public authority it is exposed to a broad range of risks which, if not managed, could adversely impact on its stakeholders and its ability to achieve its strategic, operational, financial and regulatory objectives.

9. CONCLUSION

9.1 The aim of the Risk Management Policy is to ensure that Council endorses its commitment to effective and consistent risk management principles and strategies.

10. RECOMMENDATION

That Council approve the updated Risk Management Policy 3.10.

ATTACHMENTS

1. Risk Management Policy - tracked changes
2. Risk Management Policy - updated

Public Copy

EXISTING POLICY WITH TRACK CHANGES



Policy No: **3.10**
 Approved by Council **August 2025**~~December 2020~~
 New Review Date: **August**~~December~~ **2029**~~24~~
 Responsible Officer: **Manager Finance**

Minute No: **C727/23-2020**
 ECM File No: **12.81**
 Version: **6.0**

Risk Management Policy

POLICY STATEMENT	<p>1.1 Council recognises that risk management is an integral part of good management practice and is committed to establishing an organisational culture that ensures risk management is embedded in Council activities and business processes.</p> <p>1.2 Council will evaluate potential benefits alongside potential risks as a routine part of its business planning processes. Where the balance of advantage favours a particular activity or initiative, the identified risks will be planned for and managed, taking account of broader Council objectives and priorities.</p> <p>1.3 Risks will be managed at the operational level in accordance with this policy and within risk management processes established by Council.</p>
DEFINITIONS:	<p>2.1 Risk is the chance of something happening that will have an adverse impact on <u>Council meeting its</u> the achievement of Council is meeting its desired objectives. Risk is measured in terms of the likelihood of something happening and the severity/impact of the consequences arising from an event.</p> <p>2.2 Risk management is the culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects.</p> <p>2.3 Risk management process is the systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.</p>
OBJECTIVE:	<p>3.1 The objectives of this policy are to ensure:</p> <ul style="list-style-type: none"> • Council and senior management are in a position to make informed business decisions based on risk assessment; • risks are able to be identified, prioritised and managed in a coordinated manner; • strategic planning processes are improved as a result of a structured consideration of risk; • sound business opportunities that benefit Council are identified, without exposing Council to unacceptable levels of risk; • compliance with relevant legislation; • Council resources are safeguarded (eg. people, finance, property, information and reputation); • the community is protected against losses, both physical and financial, that are controllable by Council, and • continual improvement of Council.



Policy No: **3.10**
 Approved by Council [August 2025](#)~~December 2020~~
 New Review Date: [August](#)~~December~~ **2029**~~24~~
 Responsible Officer: **Manager Finance**

Minute No: **C727/23-2020**
 ECM File No: **12.81**
 Version: **6.0**

	3.2 This policy will be supported by a complementary Risk Management Framework.
SCOPE AND RESPONSIBILITIES:	<p>4.1 This policy applies to all Councillors, employees, contractors, and representatives.</p> <p>4.2 Council will oversee risk management within Council, on the advice of the General ManagerChief Executive Officer.</p> <p>4.3 The Audit Panel will review the risk management framework as per its Charter, and provide advice to Council on any issues.</p> <p>4.4 The General ManagerChief Executive Officer will be responsible for the implementation of risk management within Council, and for responding to and reporting on significant risks that may emerge from time to time.</p> <p>4.5 Departmental Managers will be responsible for implementing risk management within their portfolio areas, and will report regularly to the General ManagerChief Executive Officer on any significant risks or risk areas.</p> <p>4.6 All staff will be responsible for the management of risk relevant to their areas of responsibility. This role may range from identifying and reporting risks associated with their own positions to participation in the risk management process.</p>
PROCEDURE: (POLICY DETAIL)	<p>5.1 Risks will normally be identified, evaluated and managed by responsible officers and reported in accordance with Council's decision-making processes. Council's strategic risks will be maintained in a strategic risk register and will be the subject of regular reports to Council through the Audit Panel.</p> <p>5.2 Risk identification, evaluation and management in respect of particular operational and financial activities will be undertaken in accordance with Council's Risk Management Framework.</p> <p>5.3 Risks will be assessed with reference to Council's strategic priorities, taking into account the likelihood of the risk occurring, the potential impact and the range of implications it may have for Council.</p> <p>5.4 Where an unacceptable risk is identified, relevant Council staff with management responsibilities in areas that may be affected will be informed of it. Managers will be required to take action, as required, to address the matter and inform staff or other persons within their area of responsibility, about the matter.</p> <p>5.5 The Council, through the Audit Panel will ensure that there is ongoing review of its risk management framework to ensure the continued sustainability and effectiveness of its Risk Management Policy.</p> <p>5.6 Risk management activities will be included in cCorporate pPlanning documents.</p>
GUIDELINES:	<p>6.1 The Risk Management Strategy will be implemented based on the following principles:</p> <ul style="list-style-type: none"> • creating and protecting Council's value, • as an integral part of Council processes,



Policy No: **3.10**
 Approved by Council [August 2025](#)~~December 2020~~
 New Review Date: [August](#)~~December~~ **2029**~~2024~~
 Responsible Officer: **Manager Finance**

Minute No: **C727/23-2020**
 ECM File No: **12.81**
 Version: **6.0**

	<ul style="list-style-type: none"> • as an integral part of decision making, • explicitly addressing uncertainty, • is systematic, structured and timely, • is based on the best available information, • is tailored and aligned with the organisation's external and internal control and risk factors, • takes human and cultural factors into account, • is transparent and inclusive, • is dynamic, iterative and responsive to change, and • facilitates continuous improvement. <p>6.2 Types of risks that need to be managed include:</p> <ul style="list-style-type: none"> • safety, • financial, • reputational • stakeholder • legal, and • environmental. <p>6.3 Council will include in its strategic risk register, a risk profile which examines the nature, likelihood and consequences of adverse events occurring, prioritising identified risks and determining the level of risk that it is prepared to tolerate.</p> <p>6.4 The strategic risk register will be updated on a regular basis.</p>
COMMUNICATION:	7.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis. Council will educate staff on good risk management practices.
LEGISLATION:	<p>8.1 The following legislation should be considered in conjunction with this policy:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993 (Tasmania)</i> • <i>Work Health and Safety Act 2012 (Tasmania)</i> • <i>ISO31000:2018, Risk management - Principles and guidelines. . 2009</i> Risk Management Principles and Guidelines
RELATED DOCUMENTS:	<p>9.1 Kingborough Council Strategic Plan</p> <p>9.2 Long Term Asset Management Plan</p> <p>9.3 Individual Asset Management Plans</p>
AUDIENCE:	10.1 The Risk Management policy applies to all Councillors, employees, contractors, and representatives. The policy is publicly accessible via Council's website.

UPDATED POLICY FOR APPROVAL



Risk Management Policy

Policy No:	3.10
Approved by Council:	August 2025
New Review Date:	August 2029
Minute No:	TBA
ECM File No:	12.81
Version:	7.0
Responsible Officer:	Manager Finance
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. POLICY STATEMENTS

- 1.1 Council recognises that risk management is an integral part of good management practice and is committed to establishing an organisational culture that ensures risk management is embedded in Council activities and business processes.
- 1.2 Council will evaluate potential benefits alongside potential risks as a routine part of its business planning processes. Where the balance of advantage favours a particular activity or initiative, the identified risks will be planned for and managed, taking account of broader Council objectives and priorities.
- 1.3 Risks will be managed at the operational level in accordance with this policy and within risk management processes established by Council.

2. DEFINITIONS

- 2.1 Risk is the chance of something happening that will have an adverse impact on Council meeting its desired objectives. Risk is measured in terms of the likelihood of something happening and the severity/impact of the consequences arising from an event.
- 2.2 Risk management is the culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects.
- 2.3 Risk management process is the systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.

3. OBJECTIVE

- 3.1 The objectives of this policy are to ensure:
 - 3.1.1 Council and senior management are in a position to make informed business decisions based on risk assessment;
 - 3.1.2 risks are able to be identified, prioritised and managed in a coordinated manner;
 - 3.1.3 strategic planning processes are improved as a result of a structured consideration of risk;
 - 3.1.4 sound business opportunities that benefit Council are identified, without exposing Council to unacceptable levels of risk;
 - 3.1.5 compliance with relevant legislation;
 - 3.1.6 Council resources are safeguarded (eg. people, finance, property, information and reputation);
 - 3.1.7 the community is protected against losses, both physical and financial, that are controllable by Council, and
 - 3.1.8 continual improvement of Council.
- 3.2 This policy will be supported by a complementary Risk Management Framework.

4. SCOPE

- 4.1 This policy applies to all Councillors, employees, contractors, and representatives.
- 4.2 Council will oversee risk management within Council, on the advice of the Chief Executive Officer.
- 4.3 The Audit Panel will review the risk management framework as per its Charter, and provide advice to Council on any issues.
- 4.4 The Chief Executive Officer will be responsible for the implementation of risk management within Council, and for responding to and reporting on significant risks that may emerge from time to time.

- 4.5 Departmental Managers will be responsible for implementing risk management within their portfolio areas, and will report regularly to the Chief Executive Officer on any significant risks or risk areas.
- 4.6 All staff will be responsible for the management of risk relevant to their areas of responsibility. This role may range from identifying and reporting risks associated with their own positions to participation in the risk management process.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Risks will normally be identified, evaluated and managed by responsible officers and reported in accordance with Council's decision-making processes. Council's strategic risks will be maintained in a strategic risk register and will be the subject of regular reports to Council through the Audit Panel.
- 5.2 Risk identification, evaluation and management in respect of particular operational and financial activities will be undertaken in accordance with Council's Risk Management Framework.
- 5.3 Risks will be assessed with reference to Council's strategic priorities, taking into account the likelihood of the risk occurring, the potential impact and the range of implications it may have for Council.
- 5.4 Where an unacceptable risk is identified, relevant Council staff with management responsibilities in areas that may be affected will be informed of it. Managers will be required to take action, as required, to address the matter and inform staff or other persons within their area of responsibility, about the matter.
- 5.5 The Council, through the Audit Panel will ensure that there is ongoing review of its risk management framework to ensure the continued sustainability and effectiveness of its Risk Management Policy.
- 5.6 Risk management activities will be included in corporate planning documents.

6. GUIDELINES

- 6.1 The Risk Management Strategy will be implemented based on the following principles:
 - 6.1.1 creating and protecting Council's value,
 - 6.1.2 as an integral part of Council processes,
 - 6.1.3 as an integral part of decision making,
 - 6.1.4 explicitly addressing uncertainty,
 - 6.1.5 is systematic, structured and timely,
 - 6.1.6 is based on the best available information,
 - 6.1.7 is tailored and aligned with the organisation's external and internal control and risk factors,
 - 6.1.8 takes human and cultural factors into account,
 - 6.1.9 is transparent and inclusive,
 - 6.1.10 is dynamic, iterative and responsive to change, and
 - 6.1.11 facilitates continuous improvement.
- 6.2 Types of risks that need to be managed include:
 - 6.2.1 safety,
 - 6.2.2 financial,
 - 6.2.3 reputational
 - 6.2.4 stakeholder
 - 6.2.5 legal, and

6.2.6 environmental.

6.3 Council will include in its strategic risk register, a risk profile which examines the nature, likelihood and consequences of adverse events occurring, prioritising identified risks and determining the level of risk that it is prepared to tolerate.

6.4 The strategic risk register will be updated on a regular basis.

7. COMMUNICATION

7.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis. Council will educate staff on good risk management practices.

8. LEGISLATION

8.1 The following legislation should be considered in conjunction with this policy:

8.1.1 *Local Government Act 1993* (Tasmania)

8.1.2 *Work Health and Safety Act 2012* (Tasmania)

8.1.3 ISO31000:2018, Risk management - Principles and guidelines. .

9. RELATED DOCUMENTS

9.1 Kingborough Council Strategic Plan.

9.2 Long Term Asset Management Plan.

9.3 Individual Asset Management Plans.

10. AUDIENCE

10.1 All Councillors, employees, contractors, and representatives. The policy is publicly accessible via Council's website.

14.4 PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURES

File Number: 12.127

Author: David Spinks, Director People & Finance

Authoriser: Dave Stewart, Chief Executive Officer

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is to recommend amendments to Council's *Policy 1.4 – Public Interest Disclosures Policy* and associated *Public Interest Disclosures Procedures Manual*.

2. BACKGROUND

- 2.1 The *Public Interest Disclosures Act 2002* (Act), commonly referred to as 'Whistleblower Legislation', facilitates disclosures of improper conduct from within public authorities (Council in this case) by employees and contractors.
- 2.2 The Act is based upon the principle that it is in the public interest for 'whistle-blowing' to occur and will be encouraged by ensuring that due protection is given to the discloser, and that their disclosures are properly dealt with.
- 2.3 The Ombudsman develops Public Interest Disclosure Model Procedures for public bodies to adopt in order to promote a consistency of approach across the State, have confidence that the procedures are fit for purpose, and reduce the time and cost of developing their own procedures.
- 2.4 Public bodies are required to submit their version of the Public Interest Disclosures Procedures to the Ombudsman for approval at least once every 3 years.

3. STATUTORY REQUIREMENTS

- 3.1 Council is required to comply with the provisions of the Act and with the Ombudsman's Guidelines by establishing procedures for dealing with disclosures about serious or significant improper conduct.

4. DISCUSSION

- 4.1 The Ombudsman has approved Council's Public Interest Disclosures Procedures.
- 4.2 Council's procedures underwent a significant update last time following the updating of the model procedures by the Ombudsman. Changes in this review cycle have been editorial.

5. FINANCE

- 5.1 There are no financial implications associated with the adoption of this policy.

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with the adoption of this policy.

7. COMMUNICATION AND CONSULTATION

- 7.1 Information relating to the Act and how Officers and Contractors can make disclosures is included in Council's induction and complaints handling processes.
- 7.2 The Ombudsman has approved Council's Public Interest Disclosures Procedures.
- 7.3 The policy and procedures are on Council's website.

8. RISK

- 8.1 The adoption and implementation of the Public Interest Disclosures Policy and Procedures aims to encourage whistleblowing while at the same time discouraging, and reducing the risk of, serious misconduct by public officers.

9. CONCLUSION

- 9.1 Council's Public Interest Disclosure Policy and Procedures have been reviewed and updated. Changes have been minor and editorial.
- 9.2 The Ombudsman has approved Council's Public Interest Disclosure Procedures and they are submitted to Council for adoption.

10. RECOMMENDATION

That Council adopt Policy 1.4 *Public Interest Disclosure Policy* and the *Public Interest Disclosures Procedures Manual*.

ATTACHMENTS

- 1. **Policy 1.4 Public Interest Disclosures Policy - track changes**
- 2. **Policy 1.4 Public Interest Disclosures Policy - updated**
- 3. **Public Interest Disclosures Procedure Manual - track changes**
- 4. **Public Interest Disclosures Procedure Manual - updated**

EXISTING POLICY WITH TRACK CHANGES



Policy No:	1.4	Minute No:	C516/19-2021
Approved by Council	August 2025 <u>September 2025</u>	ECM File No:	12.127
New Review Date:	November 2027 <u>May 2024</u>	Version:	2.0
Responsible Officer:	<u>Director Governance, Recreation and Property Information Officer</u>		

Public Interest Disclosures Policy ~~and Procedures~~

1. POLICY STATEMENTS

- 1.1 Kingborough 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 councillors, or the taking of detrimental action against those who come forward to disclose such conduct.
- 1.2 Kingborough 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
- 1.3 Kingborough 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.

2. OBJECTIVE

- 2.1 These procedures establish a system for reporting disclosures of improper conduct or detrimental action by councillors, officers or employees of Kingborough Council. The system enables such disclosures to be made to the ~~General Manager~~ Chief Executive Officer (the Principal Officer) or to a delegated Public Interest Disclosure Officer.
- 2.2 Disclosures may be made by councillors, employees, or by contractors or former contractors who have or had a contract with Council for the supply of goods or services.
- 2.3 The procedures are also intended to assist councillors, officers and employees to understand the way in which the Act operates and needs to be administered.

3. SCOPE

- 3.1 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. Council policies that should be referred to regarding grievance procedures include:

[Policy 1.20 Complaints Management Policy](#)

[Policy 9.12 - Disciplinary Administrative Policy and Disciplinary Procedures](#)

Policy 9.14 – ~~Employee~~ Code of Conduct ~~Administrative Policy for Employees~~

Policy 9.15 – Issue Resolution Administrative Policy and Issue Resolution Procedures

~~Policy 9.12 – Disciplinary Procedures~~

Code of Conduct for Councillors

- 3.2 The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Ombudsman's website at www.ombudsman.tas.gov.au.

4. PROCEDURE (POLICY DETAIL)

- 4.1 See [Public Interest Disclosure Procedures Manual. annexure 1.](#)



Policy No:
Approved by Council
New Review Date:
Responsible Officer:

1.4

~~August 2025~~
~~September 2025~~
~~November 2027~~
~~May 2024~~
Director Governance, Recreation and
Information Officer

Minute No: C516/19-2021
ECM File No: 12.127
Version: 2.0
Chief

5. COMMUNICATION

- 5.1 Members of the public
- 5.2 Kingborough Councillors
- 5.3 Kingborough Council Staff
- 5.4 Contractors engaged by Kingborough Council
- 5.5 Ombudsman

6. LEGISLATION

- 6.1 Public Interest Disclosures Act 2002.

7. RELATED DOCUMENTS

- 7.1 <https://www.ombudsman.tas.gov.au/public-interest-disclosures>
- 7.2 <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2002-016>
- 7.3 https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0007/593206/PID-Guideline-One-Serious-or-significant-improper-conduct.PDF
- 7.4 https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0008/593207/PID-Guideline-Two-Procedures-for-public-bodies-with-attachments.PDF

8. AUDIENCE

- 8.1 The Public
- 8.2 Kingborough Councillors, Staff and Contractors

UPDATED POLICY FOR APPROVAL



Public Interest Disclosure Policy

Policy No:	1.4
Approved by Council:	August 2025
New Review Date:	November 2027
Minute No:	TBA
ECM File No:	12.127
Version:	3.0
Responsible Officer:	Director People & Finance
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. POLICY STATEMENTS

- 1.1 Kingborough 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 councillors, or the taking of detrimental action against those who come forward to disclose such conduct.
- 1.2 Kingborough 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
- 1.3 Kingborough 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.

2. DEFINITIONS

- 2.1 Nil.

3. OBJECTIVE

- 3.1 These procedures establish a system for reporting disclosures of improper conduct or detrimental action by councillors, officers or employees of Kingborough Council. The system enables such disclosures to be made to the Chief Executive Officer (the Principal Officer) or to a delegated Public Interest Disclosure Officer.
- 3.2 Disclosures may be made by councillors, employees, or by contractors or former contractors who have or had a contract with Council for the supply of goods or services.
- 3.3 The procedures are also intended to assist councillors, officers and employees to understand the way in which the Act operates and needs to be administered.

4. SCOPE

- 4.1 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. Council policies that should be referred to regarding grievance procedures include:
 - 6.4.1 Policy 1.20 Complaints Management Policy;
 - 6.4.2 Policy 9.12 - Disciplinary Administrative Policy and Disciplinary Procedures;
 - 6.4.3 Policy 9.14 – Employee Code of Conduct Administrative Policy;
 - 6.4.4 Policy 9.15 – Issue Resolution Administrative Policy and Issue Resolution Procedure;
 - 6.4.5 Code of Conduct for Councillors.
- 4.4 The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Ombudsman's website at www.ombudsman.tas.gov.au.

5 PROCEDURE (POLICY DETAIL)

- 5.4 See Public Interest Disclosure Procedures Manual.

6 GUIDELINES

- 6.4 Nil.

7 COMMUNICATION

- 7.4 Members of the public;
- 7.5 Kingborough Councillors;
- 7.6 Kingborough Council Staff;

7.7 Contractors engaged by Kingborough Council;

7.8 Ombudsman.

8 LEGISLATION

8.4 *Public Interest Disclosures Act 2002.*

9 RELATED DOCUMENTS

9.4 <https://www.ombudsman.tas.gov.au/public-interest-disclosures>

9.5 <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2002-016>

9.6 https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0007/593206/PID-Guideline-One-Serious-or-significant-improper-conduct.PDF

9.7 https://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0008/593207/PID-Guideline-Two-Procedures-for-public-bodies-with-attachments.PDF

10 AUDIENCE

10.4 The Public;

10.5 Kingborough Councillors, Staff and Contractors.

Public Copy

EXISTING PROCEDURE WITH TRACK CHANGES



Kingborough Council

Public Interest Disclosures Act 2002

Public Interest Disclosure Procedures

These procedures are based on guidelines and standards (Model procedures to be followed by public bodies) prepared and published by the Ombudsman

~~Nov~~September 2024

Public Interest Disclosure Officers: ~~CEO and~~ Director [Governance, Recreation and Property Services](#)
~~People and Finance~~

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1. Statement of Support

The Kingborough 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 Kingborough 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 Kingborough 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.

2. Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Kingborough 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.

[Policy 1.20 – Complaints Management Policy](#)

[Policy 9.12 - Disciplinary Administrative Policy and Disciplinary Procedures](#)

¹ Referred to as natural justice in the Act.

[*Policy 9.14 – Employee Code of Conduct Administrative Policy*](#)

[*Policy 9.15 – Issue Resolution Administrative Policy and Issue Resolution Procedure*](#)

[*Policy 9.14 – Employee Code of Conduct for Administrative Policy*](#)

[*Code of Conduct for Councillors*](#)

[*Policy 9.12 – Disciplinary Administrative Policy*](#)

The procedures have been prepared in accordance with the Ombudsman's [Guidelines and Standards - Guideline Two: Procedures for Public Bodies](#). This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au.

3. How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);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);

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.

- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

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

4. Roles and responsibilities

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

Members, officers and employees

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

All public officers of Kingborough 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.

Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Kingborough 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 Kingborough 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.

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;*
- *make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receive any disclosure from a public officer made orally or in writing;*
- *record in writing the details of any disclosure which is made orally;*
- *impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, “a protected disclosure”);*
- *impartially assess under s 33 of the Act whether a disclosure is a “public interest disclosure”;*
- *take 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*
- *undertake administrative functions to support the role under the Act, as required*

[Refer Section 8 See the cover page](#) for a list of Kingborough Council's Public Interest Disclosure officers.

Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Kingborough 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 Kingborough Council or a consultant engaged for that purpose.

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 Kingborough Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

5. Who can make a disclosure?

5.1 Public officers

Any current public officer⁴ can make a disclosure to Kingborough Council under the Act. This includes all employees and councillors of Kingborough Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

5.2 Contractors

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

5.3 Members of the public

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

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

⁴ This can include a public officer from another public body

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.

6. What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Kingborough Council as a whole or the Principal Officer of Kingborough 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

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

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
- 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

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 Kingborough Council	Kingborough Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of Kingborough Council or Kingborough Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the Local Government Act 1993	The Ombudsman

8. How to make a disclosure

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

- the CEO – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer. Email: pid@kingborough.tas.gov.au – this email address is restricted to the Principal Officer and PID Officer.

8.1 Public Interest Disclosure Officers

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

~~Director People and Finance~~

~~Director Governance, Recreation and Property Services~~
~~Manager of Legal and property – Legal Counsel~~

If someone wants to make a disclosure about the Principal Officer or Kingborough 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 Kingborough Council, 15 Channel Highway, Kingston Tasmania 7050.

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.

Phone: [03 6211 8200](tel:0362118200)

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

9. Confidentiality

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

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

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

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

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

10. Assessing the disclosure

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

- has it been made to the correct person or body; and
- if it has been correctly made to Kingborough 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.

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?](#)

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 Kingborough 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.

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 Kingborough 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

Kingborough 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.

Kingborough 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, Kingborough 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, Kingborough 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 Kingborough Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

11. Protection

11.1 When does protection commence?

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

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

11.2 What protection does the Act provide?

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

A person who makes a protected disclosure:

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

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

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

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

12. Investigation

12.1 Introduction

Any disclosure Kingborough 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.

Kingborough 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, Kingborough 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.

Kingborough 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.

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.

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

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

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

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

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.

13. Action taken after an investigation

13.1 Investigator's final report

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

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

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

- any steps that need to be taken by the Kingborough Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Kingborough 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, Kingborough 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 Kingborough 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.

14. Managing the welfare of the discloser

14.1 Support for the discloser

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

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

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Kingborough 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 Kingborough Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Kingborough 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, Kingborough 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 Kingborough Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

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

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

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

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

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

Kingborough 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.

Kingborough 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 Kingborough 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.

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

16. Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on [25 November 2024](#). ~~2 June 2021~~.

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 [November 2027](#). ~~May September 2024~~.

Assessment of disclosure form (Attachment 1)

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:

Risk assessment template (Attachment 2)

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.*

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name:

Date of disclosure:

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

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

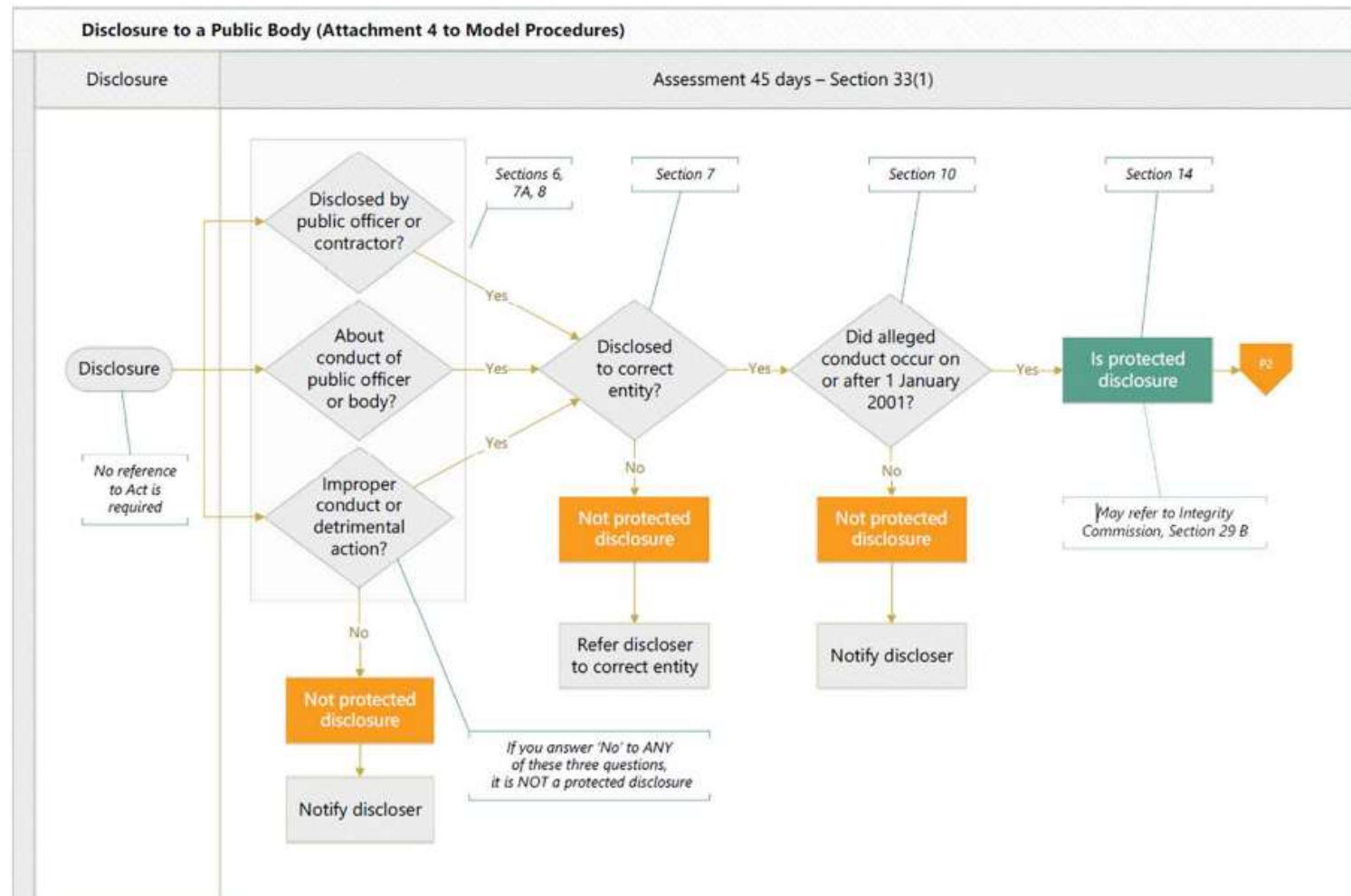
Date of notification:

Notification type

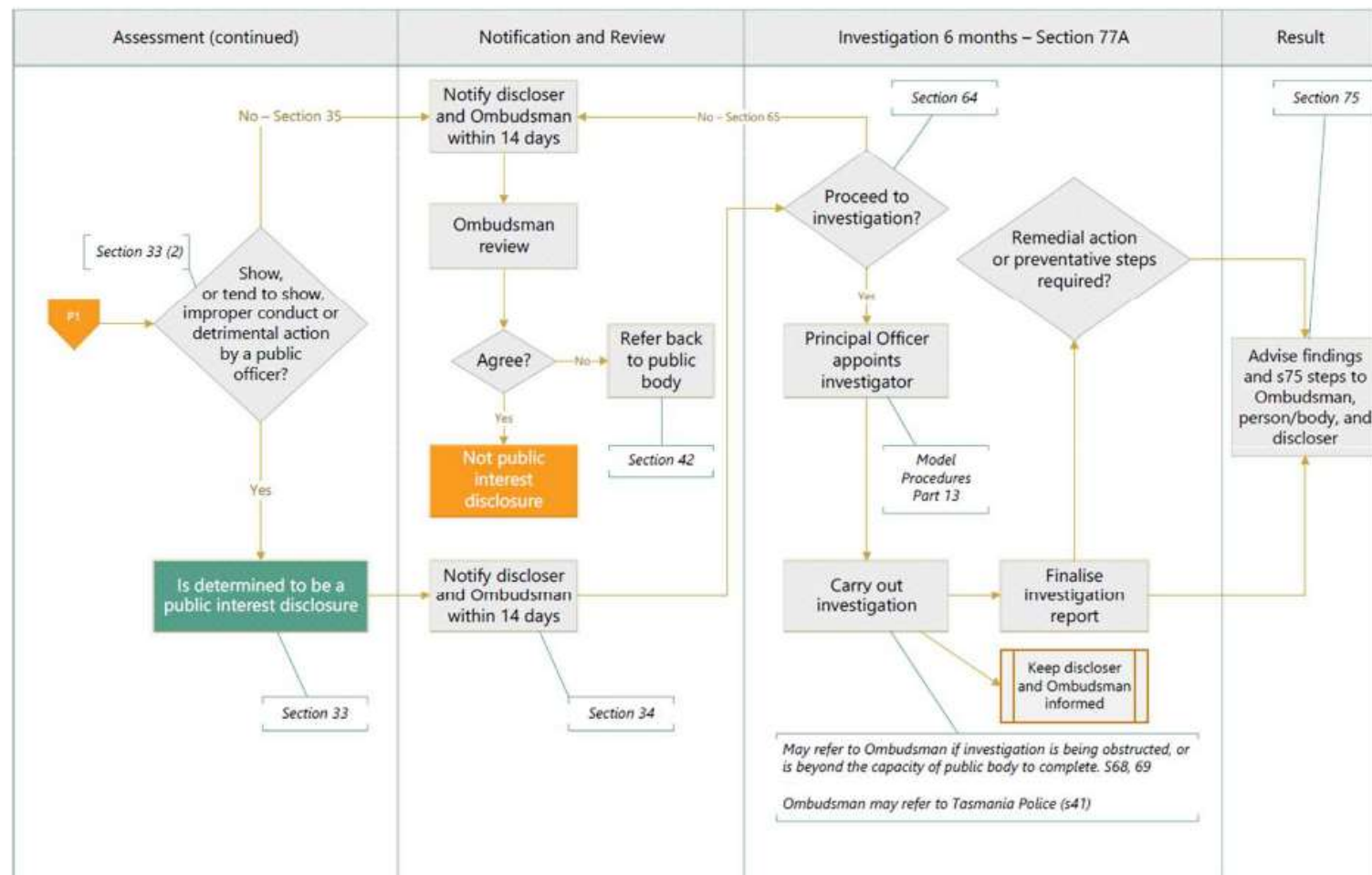
- ☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 65 – Decision not to investigate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

Evidence attached

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



Flow chart - Attachment 4 to Model Procedures



Flow chart - Attachment 4 to Model Procedures

UPDATED PROCEDURE FOR APPROVAL



Kingborough Council

Public Interest Disclosures Act 2002

Public Interest Disclosure Procedures

These procedures are based on guidelines and standards (Model procedures to be followed by public bodies) prepared and published by the Ombudsman

November 2024

Public Interest Disclosure Officers: CEO and Director Governance, Recreation and Property Services

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1. Statement of Support

The Kingborough 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 Kingborough 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 Kingborough 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.

2. Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Kingborough 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.

Policy 1.20 – Complaints Management Policy

Policy 9.12 - Disciplinary Administrative Policy and Disciplinary Procedures

¹ Referred to as natural justice in the Act.

Policy 9.14 – Employee Code of Conduct Administrative Policy
Policy 9.15 – Issue Resolution Administrative Policy and Issue Resolution Procedure

Code of Conduct for Councillors

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

3. How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);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

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.

- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

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

4. Roles and responsibilities

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

Members, officers and employees

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

All public officers of Kingborough 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.

Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Kingborough 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 Kingborough 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.

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;*
- *make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receive any disclosure from a public officer made orally or in writing;*
- *record in writing the details of any disclosure which is made orally;*
- *impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, “a protected disclosure”);*
- *impartially assess under s 33 of the Act whether a disclosure is a “public interest disclosure”;*
- *take 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*
- *undertake administrative functions to support the role under the Act, as required*

Refer Section 8 for a list of Kingborough Council's Public Interest Disclosure officers.

Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Kingborough 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 Kingborough Council or a consultant engaged for that purpose.

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 Kingborough Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

5. Who can make a disclosure?

5.1 Public officers

Any current public officer⁴ can make a disclosure to Kingborough Council under the Act. This includes all employees and councillors of Kingborough Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

5.2 Contractors

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

5.3 Members of the public

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

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

⁴ This can include a public officer from another public body

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.

6. What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Kingborough Council as a whole or the Principal Officer of Kingborough 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

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

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
- 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

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 Kingborough Council	Kingborough Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of Kingborough Council or Kingborough Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the Local Government Act 1993	The Ombudsman

8. How to make a disclosure

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

- the CEO – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer. Email: pid@kingborough.tas.gov.au – this email address is restricted to the Principal Officer and PID Officer.

8.1 Public Interest Disclosure Officers

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

Director Governance, Recreation and Property Services If someone wants to make a disclosure about the Principal Officer or Kingborough 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 Kingborough Council, 15 Channel Highway, Kingston Tasmania 7050.

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.

Phone: 03 6211 8200

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

9. Confidentiality

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

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

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

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

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

10. Assessing the disclosure

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

- has it been made to the correct person or body; and
- if it has been correctly made to Kingborough 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.

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?](#)

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 Kingborough 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.

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 Kingborough 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

Kingborough 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.

Kingborough 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, Kingborough Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s41 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, Kingborough Council should consider whether the disclosure should be referred to the Ombudsman under s68 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 s23 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 Kingborough Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

11. Protection

11.1 When does protection commence?

Where Kingborough 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 (s16);
- 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 (s17(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 (s17(1)(b)).

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

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

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

12. Investigation

12.1 Introduction

Any disclosure Kingborough Council determines to be a public interest disclosure under s33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

Kingborough 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, Kingborough 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.

Kingborough 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.

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.

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

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

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

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

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.

13. Action taken after an investigation

13.1 Investigator's final report

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

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

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

- any steps that need to be taken by the Kingborough Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Kingborough 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, Kingborough 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 Kingborough 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.

14. Managing the welfare of the discloser

14.1 Support for the discloser

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

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

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Kingborough 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 Kingborough Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Kingborough 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, Kingborough 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 Kingborough Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

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

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

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

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

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

Kingborough 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.

Kingborough 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 Kingborough 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.

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

16. Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on 25 November 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 November 2027.

Assessment of disclosure form (Attachment 1)

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:

Risk assessment template (Attachment 2)

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.*

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name:

Date of disclosure:

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

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

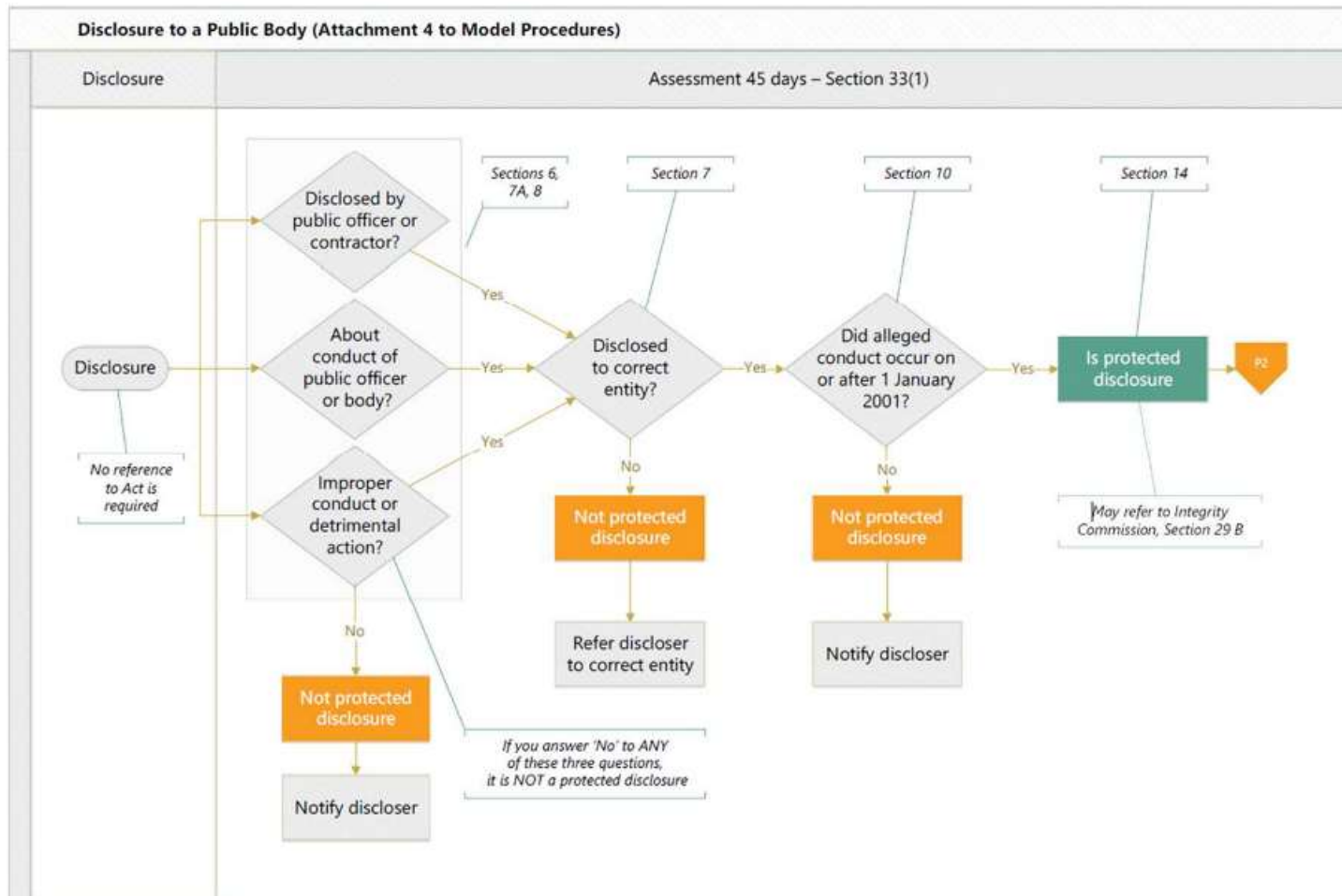
Date of notification:

Notification type

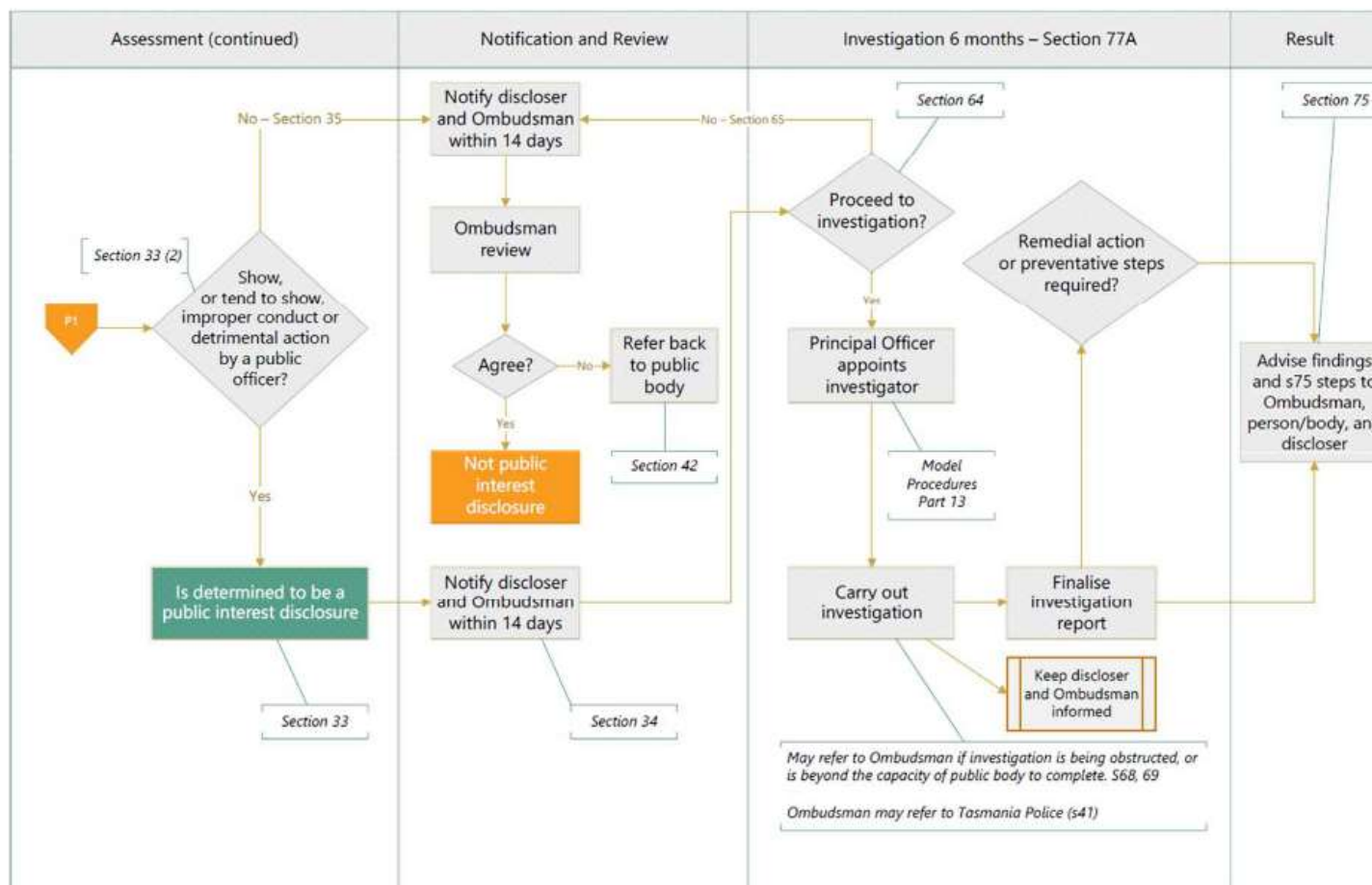
- ☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- ☐ Section 65 – Decision not to investigate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

Evidence attached

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



Flow chart - Attachment 4 to Model Procedures



Flow chart - Attachment 4 to Model Procedures

14.5 APPENDICES

RECOMMENDATION

That the Appendices attached to the Agenda be received and noted.

15 NOTICES OF MOTION

15.1 LGBTIQA+ COMMUNITIES

The following Notice of Motion was submitted by **Cr Cordover**

RECOMMENDATION

Kingborough Council notes:

1. that our community is more inclusive and accepting because of the Kingborough Council's [LGBTIQA+ Engagement Report](#) and [LGBTIQA+ Action Plan 2023-2025](#)
2. resolves to sponsor the following motion to be put to the 2025 LGAT General meeting:

That:

- (a) *Members of LGAT note the importance of fostering inclusion and equal opportunities for LGBTIQA+ people*
- (b) *LGAT works with the State Government and organisations like [Equality Tasmania](#) and [Working It Out](#) to support and encourage councils to connect with, and act in support of, their local LGBTIQA+ communities.*

Background

Introduction

LGBTIQA+ people experience higher levels of discrimination, stigma, mental health risk, housing risk and other disadvantages. Actions taken by Tasmanian councils to address these disadvantages include consulting with the local LGBTIQA+ community, flying rainbow flags on special occasions and developing LGBTIQA+ action plans. Councils that have taken action include Kingborough, Hobart, Launceston, Glenorchy, Clarence, Brighton, Burnie, Derwent Valley and Meander Valley.

Research

The disadvantages experienced by LGBTIQA+ Tasmanians are demonstrated by the University of Tasmania's Telling Us the Story Report, the Tasmania Report, La Trobe University's analysis of Tasmanian LGBTIQA+ data from the national Private Lives and Writing Themselves In surveys, Tasmanian research by the Alcohol and Drug Foundation and the current Inquiry into Discrimination and Bullying in Tasmanian Schools.

These studies show LGBTIQA+ Tasmanians experience high rates of discrimination, abuse and harassment and that those experiences result, in turn, in higher rates of mental health risk, drug and alcohol use, housing risk and suicide ideation, as well as lower educational outcomes and lower incomes.

https://www.dpac.tas.gov.au/divisions/cpp/community-policy-and-engagement/lgbti_community/LGBTIQ-Tasmanians-Telling-Us-the-Story-Survey-Report-May-2022.pdf

<https://www.utas.edu.au/about/news-and-stories/articles/2021/1140-tasmania-project-identifies-inequalities-for-lgbtiq>

Actions by Tasmanian councils

A number of councils have taken action to address these problems and foster greater inclusion for LGBTIQ+ Tasmanians. Kingborough, Brighton, Glenorchy and Launceston have all conducted surveys upon which to base action plans. Hobart and Burnie have formed advisory groups to do the same. Kingborough and Hobart have developed and implemented actions plans. Derwent Valley and Meander Valley have both had rainbow flag raising ceremonies.

www.kingborough.tas.gov.au/wp-content/uploads/2022/12/LGBTQIA-Action-Plan-22.pdf

<https://www.hobartcity.com.au/Community/Community-programs/LGBTQIA-communities>

<https://www.launceston.tas.gov.au/News-Media/Groundbreaking-LGBTQIA-survey-launches>

<https://www.burnie.tas.gov.au/Council/News/2025/Burnie-LGBTQIA-Advisory-Group>

Actions by the State Government

The Tasmanian Government has five LGBTIQ+ reference groups, three of which (police, health and justice) have developed action plans.

<https://www.police.tas.gov.au/about-us/corporate-documents/lgbtqia-action-plan-2023-2026/>

<https://www.health.tas.gov.au/news/news/lgbtqia-health-action-plan-2024-2027-released>

<https://www.justice.tas.gov.au/about-us/policies/lgbtiq-action-plan>

Background to Kingborough Council motion:

Kingborough Council formally endorsed support for the Kingborough LGBTIQ+ Action Plan 2023 - 2025 at the public Council meeting on 5 December, 2022. This was the culmination of an engagement process where Council sought to better understand and address the needs of lesbian, gay, bisexual, transgender, intersex, queer/questioning and asexual (LGBTIQ+) people in our community through the development of a community working group.

Recommending this motion to the Local Government Association of Tasmania (LGAT) General Meeting aligns with the Council's strategic pillar to encourage and support a safe, healthy and connected community. It responds to the strategic outcome 1.2: An inclusive community that has a strong sense of pride and local identity.

Officer's Response

If Council passes this motion, it will be submitted to the Local Government Association of Tasmania for consideration by the membership at the next General Meeting of the association on 20 November 2025, in Hobart.

Dave Stewart, Chief Executive Officer

16 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2025* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 40(6) *At the next closed meeting, the minutes of the previous closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.*

Applications for Leave of Absence

Regulation 17(2)(i) *applications by councillors for a leave of absence*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

CLOSURE

Public Copy

APPENDICES

- A Mayor's Activities 3 July 2025 to 11 August 2025
- B Councillor Allowances & Expense Table 2024/25
- C Donations 2024/25
- D Current and Ongoing Minute Resolutions (Open Session)

Public Copy

A MAYOR'S ACTIVITIES 3 JULY 2025 TO 11 AUGUST 2025

DATE	LOCATION	ITEM
4 July	Civic Centre	Meeting re AFL HPC – Brendan Gale, Tasmania Football Club and Shane Gregory, DPAC.
7 July	Civic Centre	Meeting with Liz Brown, CEO of Lifeline Tasmania
	Civic Centre	Meeting with Blackmans Bay Community Association
	Civic Centre	Chaired Council meeting
9 July	Kingston	Opened refurbished Kingborough Chiropractic Clinic
10 July	Kingston	Took part in staff Pickleball competition to raise funds for Speak Up, Stay Chatty.
14 July	Civic Centre	Chaired Council Workshop on LPS
16 July	Kingston	Attended event to announce Kingborough Knights Cricket Club Women's 1 st Grade licence.
	Online	Meeting with CEO and President of LGAT
20 July	Kingston	Volunteered at Kingborough Helping Hands Soup and Sandwich Fundraising Event – with Cr Bain.
21 July	Civic Centre	Chaired Council Meeting
25 July	Launceston	Attended LGAT General Meeting
	Launceston	Attended LGAT Annual General Meeting
	Kingston	Attended Kingborough's Night of Lights at the Community Hub
27 July	Snug	Planted trees at Snug for National Tree Day with Cr Fox
30 July	Civic Centre	Met with Blackmans Bay Cricket Club re upgrade of nets and change rooms at Sherburd Oval
	Civic Centre	Met with Kingborough Little Athletics Club re Gormley Park facilities
31 July	Online	Attended ALGA Board meeting
	Rokeby	Addressed the Tas Police Commissioned Officers Mess Annual Dinner
4 August	Online	Attended TasWater briefing on proposed pricing structure
	Civic Centre	Met with William Harkness from Housing Choices Tasmania.
	Civic Centre	Chaired Council meeting
6 August	Kingston	Attended Community information session at Twin Ovals re AFL HPC plans
8 August	Glenorchy	Attended Metro Tas Launch of Hydrogen Bus trial.
11 August	Kingston	Presided over citizenship ceremony
	Civic Centre	Chaired workshop on AFL HPC

B COUNCILLOR ALLOWANCES & EXPENSE TABLE 2024/25

SUMMARY

Councillor	Councillor Allowances			Councillor Expenses						Total
	Mayor	Deputy Mayor	Councillors	Travel Allowances	Mayor's Vehicle	Bruny Ferry Fares Reimbursed	Internet & Telephone	Conference & Meeting Attendance	Code of Conduct	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Mayor Cr Wriedt	87,109		34,846	-	1,962	-	-	784		\$ 124,701
Deputy Mayor Glade-Wright		24,212	34,846	-	-	-	-	152		\$ 59,210
Cr Cordover			34,846	-	-	-	-	-		\$ 34,846
Cr Fox			34,846	1,005	-	-	1,030	825		\$ 37,705
Cr Midgley			34,846	-	-	-	-	1,198		\$ 36,043
Cr Street			34,846	-	-	-	-	-		\$ 34,846
Cr Antolli			34,846	-	-	-	-	-		\$ 34,846
Cr Richardson			34,846	-	-	-	-	-		\$ 34,846
Cr Deane			34,846	-	-	-	-	798		\$ 35,643
Cr Bain			34,846	-	-	-	-	798		\$ 35,643
		-	-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
			-	-	-	-	-	-		\$ -
Code of Conduct Complaints										\$ -
TOTAL	\$ 87,109	\$ 24,212	\$ 348,457	\$ 1,005	\$ 1,962	\$ -	\$ 1,030	\$ 4,553	\$ -	\$ 468,329

Notes:
Council Minute C390/14-12 determined that Councillor Allowances and Expenses paid under the "Payment of Councillors Expenses and Provision of Facilities" Policy be reported.
Bruny Ferry cost reimbursements are also included as required in Minute GF101/6-12.

NUMBER OF CODE OF CONDUCT COMPLAINTS DETERMINED

	Number of Complainers			Cost of Complaints
	Number	Upheld	Dismissed	

C DONATIONS 2024/25**Donations Table**

For period 1 July 2024 to 30 June 2025

MAYORAL DONATIONS

Name	Amount	Description
Andrea Butchart	\$ 150.00	Mayor donation - Vic State Ice Skating Champs.
Emily Butchart	\$ 150.00	Mayor donation - Vic State Ice Skating Champs.
Illawarra Primary School	\$ 250.00	Jumping Jacks Team Contribution
Tassie Mums	\$ 455.45	Tassie Mums Event - Hub Hire 18/7/24
Salvation Army	\$ 250.00	Meal Program
MyCause (Lynna Taubman)	\$ 250.00	World Record Attempt
Kingston Park Run (Graeme Ingram)	\$ 250.00	Contribution to Park Run Birthday Celebrations
Dressed for Success	\$ 1,130.91	Internal Hub Hire 1/1 - 3/11/24
Speak Up Stay Chaty	\$ 200.00	Point to Pinnacle Fundraiser (Piano)
Illawarra Primary School	\$ 250.00	Jumping Jacks Team Contribution
Helping Hands	\$ 210.00	Food Licence
Taroona High School	\$ 200.00	Scholarship Program 2025

\$ 3,746.36Annual Budget **\$ 4,000.00****COUNCIL POLICY DONATIONS**

Name	Amount	Description
Eve Millar	\$ 160.00	Australian National Diving Championships (School Sport 2024)
Oliver Wilson	\$ 150.00	Southern States Rugby Championships
Callum Degenaar	\$ 160.00	2024 Australian Orienteering Championships
Billy French	\$ 310.00	Coimbra Gymfest & Scalabis Cup Portugal
Amber French	\$ 310.00	Coimbra Gymfest & Scalabis Cup Portugal
Isaac Williams	\$ 150.00	Science & Engineering Challenge State Final
Niranjan Shibu	\$ 150.00	Science & Engineering Challenge State Final
Hayden De Kievit	\$ 150.00	Science & Engineering Challenge State Final
Grant Levitt	\$ 150.00	Southern States Rugby Championships
Judy Sekyere	\$ 150.00	Science & Engineering Challenge State Final
Hannah Joubert	\$ 150.00	Science & Engineering Challenge State Final
Pierre Macant	\$ 150.00	2024 Australian Orienteering Championships
Noah Joyce	\$ 160.00	School Sports Aust Hockey National Championships
Josie Smith	\$ 160.00	Science & Engineering Challenge State Final
Madeline Stanton	\$ 160.00	School Sports Aust Hockey National Championships
Olivia El-Tahche	\$ 160.00	Science & Engineering Challenge State Final
Aliera-Kate Carson	\$ 160.00	Science & Engineering Challenge State Final
Luca Rae Murgatroyd	\$ 150.00	Australian Football Championships
Samuel de Puit	\$ 160.00	Science & Engineering Challenge State Final
Laura Parsons	\$ 160.00	Science & Engineering Challenge State Final
Katie Clauson	\$ 160.00	2024 Australian Orienteering Championships
Hailee Richter	\$ 160.00	Science & Engineering Challenge State Final
Lily Smith	\$ 160.00	Science & Engineering Challenge State Final
Felix Woolley	\$ 160.00	Science & Engineering Challenge State Final
Emmett Bone	\$ 160.00	Science & Engineering Challenge State Final
Kaiya Wilkie	\$ 160.00	Science & Engineering Challenge State Final
Marni Duggan	\$ 160.00	Science & Engineering Challenge State Final
Abigail North	\$ 160.00	Science & Engineering Challenge State Final
Lachlan Michael	\$ 160.00	Science & Engineering Challenge State Final
Kathryn East	\$ 160.00	2024 AFL Masters National Carnival
Anne Smalley	\$ 160.00	2024 AFL Masters National Carnival
Izanne (Izzy) Viljoen	\$ 160.00	2024 AFL Masters National Carnival
Grace de Hoog	\$ 160.00	Science & Engineering Challenge State Final
Georgia Brouwer	\$ 160.00	Science & Engineering Challenge State Final
Christine Go	\$ 160.00	Science & Engineering Challenge State Final
Finn Wylie	\$ 160.00	National Youth Science Forum
Harry Finlayson	\$ 160.00	Science & Engineering Challenge State Final
Ryan Guy	\$ 160.00	Tas State Lawn Bowls Competition
Georgia Lange	\$ 160.00	U13 Girls State of Origin Championships
Charl Cilliers	\$ 160.00	Science & Engineering Challenge State Final
Margate Primary School	\$ 200.00	Twilight Fair Donation
Isabell Blaschke	\$ 310.00	2025 North Island (NZ) Colgate Games (Little Athletics)
Zoray Lim	\$ 160.00	Science & Engineering Challenge State Final
Ewan McIlwraith	\$ 160.00	Contribution to Tas Interstate Surf Champs
Blackmans Bay Primary School	\$ 100.00	School Citizenship Award 2024
Bruny Island District School	\$ 100.00	School Citizenship Award 2024
Calvin Christian School (Secondary)	\$ 100.00	School Citizenship Award 2024
Calvin Christian School (Primary)	\$ 100.00	School Citizenship Award 2024
Channel Christian School	\$ 100.00	School Citizenship Award 2024
Illawarra Primary School	\$ 100.00	School Citizenship Award 2024

Donations Table

For period 1 July 2024 to 30 June 2025

Indie School	\$ 100.00	School Citizenship Award 2024
Kingston High School	\$ 100.00	School Citizenship Award 2024
Kingston Primary School	\$ 100.00	School Citizenship Award 2024
Margate Primary School	\$ 100.00	School Citizenship Award 2024
Snug Primary School	\$ 100.00	School Citizenship Award 2024
Southern Christian College	\$ 100.00	School Citizenship Award 2024
Taroona High School	\$ 100.00	School Citizenship Award 2024
Taroona Primary School	\$ 100.00	School Citizenship Award 2024
Woodbridge Primary School	\$ 100.00	School Citizenship Award 2024
Lewis Thorpe	\$ 160.00	All Schools Athletics
Jaxon Thorpe	\$ 160.00	All Schools Athletics
Tarremah Steiner School	\$ 100.00	School Citizenship Award 2024
Toby Webb	\$ 160.00	Underwater Hockey Championships
Daniel McKinley	\$ 160.00	Underwater Hockey Championships
Hugh Wass	\$ 160.00	Aust Primary Track and Field Championships
Arthur Whittock	\$ 160.00	Underwater Hockey Championships
Neve Hagan	\$ 160.00	Aust Track & Field Champs Contribution
Ashlin Hagan	\$ 160.00	Aust Track & Field Champs Contribution
Jasmine Taylor	\$ 160.00	Australian All Schools Athletics Championships
Jarrod Webb	\$ 160.00	Australian Underwater Hockey Championships
Tango Coull	\$ 160.00	Australian Underwater Hockey Championships 2025
David Pretymann	\$ 160.00	Golf Australia V ADF
Isla Werkman	\$ 160.00	Australian Track & Field Championships
Milah Hatten	\$ 160.00	Australian Track & Field Championships
Claudia Day	\$ 160.00	Australian Track & Field Championships
Maddox Day	\$ 310.00	2025 North Island Athletics Games
Anneke Kleywegt	\$ 160.00	Interstate Surf Lifesaving Championships
Morgan McGuire	\$ 160.00	Veterans Cricket National Championships
Oliver McAdie	\$ 160.00	Indoor National Cricket Championships
Joshua McAdie	\$ 160.00	Indoor National Cricket Championships
William Pereira	\$ 160.00	2025 Australian Junior Athletics Championships
Emily Divin	\$ 160.00	National Indoor Cricket Championships
Harry Divin	\$ 160.00	National Indoor Cricket Championships
Tom Rider	\$ 160.00	Aust Little Aths Championships
Flynn McPhail	\$ 160.00	Indoor National Cricket Championships
Aria Ellis	\$ 160.00	Aust Track & Field Champs Contribution
Rory Killian	\$ 160.00	Australian Schools and Juniors Rugby Championships
Grace Kinder	\$ 160.00	AU15 Netball SSA Championships
Lucy Larcombe	\$ 160.00	National Interscholls Equestrian Championships
Holly Larcombe	\$ 160.00	National Interscholls Equestrian Championships
Angus Andree	\$ 160.00	Australian Gymnastics Championships
River Mallam	\$ 160.00	Australian Gymnastics Championships
Campbell Norris	\$ 160.00	Australian Gymnastics Championships
Henry Burke	\$ 160.00	Aust National Cricket Championships (U/14 Division)
Emily Coad	\$ 160.00	National School Futsal Championships 2025
Lucy Page	\$ 160.00	2025 Emerging Matilda's Championships
Peter Munday	\$ 160.00	2025 Aust Gymnastics Championships
Madelyn Burke	\$ 160.00	2025 Aust Gymnastics Championships
Jordy Meos	\$ 160.00	2025 Aust Gymnastics Championships
Fletcher Murray	\$ 160.00	2025 Aust Football Championships
Hamish Grant	\$ 160.00	Tas State Rugby Union Team Selection
Oliver Wilson	\$ 160.00	Jnr Rugby Union Championships
Owen Reid	\$ 160.00	Darts Aust Inc Senior Championships
Brad Thorp	\$ 160.00	Darts Aust Inc Senior Championships
Haru Yamazaki	\$ 160.00	Emerging Socceroos Championships
Ava McDermott	\$ 160.00	2025 Aust Football U/15 Championships
Noah McGuire	\$ 160.00	School Sports Aust Swimming Championships
Izanne (Izzy) Viljoen	\$ 160.00	AFL Masters Football Carnival - 2025

\$ 16,870.00

Annual Budget **\$ 12,000.00**

- Council makes Donations under section 77 of the Local Government Act 1993 which states that "Council may make a Grant ... for any purpose it considers appropriate". "The details of any grant made ... are to be included in the annual report of the council" Section 77 (2).

D CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)**CURRENT**

Nil

STILL BEING ACTIONED

Resolution Title	Fire & Biodiversity Town Hall Meeting
Meeting Date	17 February 2025
Minute No.	C42/3-2025
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Petition did not receive the requisite number of signatories. A report reviewing and addressing the concerns outlined in the petition is being developed.
Anticipated Date of Completion	TBD
Resolution Title	The Tasmanian Sustainability Strategy
Meeting Date	2 October 2023
Minute No.	C314/19-2023
Status	In progress
Responsible Officer	Manager Development Services
Officers Comments	A submission was sent to State Govt (who are running the project) in October 2023. We await further direction or steps from them on the project.
Anticipated Date of Completion	Unknown
Resolution Title	Glyphosate
Meeting Date	7 February 2022
Minute No.	C54/2-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	A broader herbicide usage review is underway which encompasses Glyphosate. The project is being delivered in two stages in the first half 24/25.
Anticipated Date of Completion	March 2025