



# COUNCIL MEETING AGENDA

Monday 16 September 2024  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
10 September 2024

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## NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 16 September 2024 commencing at 10.00am.

### CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.



**JOHN BROWN**  
**GENERAL MANAGER**

Date: 10 September 2024

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website (within seven (7) days post the meeting in line with the uploading of the minutes from the meeting). The audio/visual recording of Council Meetings will only be retained for six (6) months.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

*In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.*

## OPENING

*The Mayor to welcome Councillors and staff and declare the meeting open at 10.00am.*

## ACKNOWLEDGEMENT OF COUNTRY

*We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.*

## LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

## **09/24.1.0 ATTENDANCE**

### **09/24.1.1 Present**

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Gary Barnes  
Councillor Ian Carter  
Councillor Janet Drummond  
Councillor Liz Johnstone  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Kylie Wright

### **09/24.1.2 Apologies**

Nil

### **09/24.1.3 Leave of Absence**

Nil

### **09/24.1.4 Staff in Attendance**

General Manager, John Brown  
Corporate Services Coordinator, Ange Matthews

## **09/24.2.0 PUBLIC QUESTION TIME**

### **09/24.2.1 Upgrade to outer line lane markings along St Helens and Scamander – Simon Jacob Mars**

Dear Sir/Madam,

I would like to request that the council upgrade the urgency of outer line, lane markings being painted along the stretch of road between St Helens and Scamander. Although sections of that road are no doubt earmarked to be upgraded, in the interim, it would make transport much easier and safer at night, if such markings existed.

The problem of no outer lane markings is exacerbated by the high number of 4x4 vehicles in St Helens and surrounds. When driving a smaller, standard size vehicle, an oncoming 4x4 has a similar effect of a car driving with high beam lights on; it has a near blinding effect on the smaller vehicle. Outside line markings allow for drivers to see the road definitions more clearly while not having to stare in the direction of the oncoming vehicle's lights, in the middle of the road. Additionally, this year's frequent bouts of heavy rain periods, has meant that there have been more impediments to clear sight on the roads at night.

I'd like to table this request in the Council Meeting so a public record of it is made.

Thank you,  
Simon Jacob Mars (Jake)

### 09/24.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

*Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.*

*A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.*

### 09/24.4.0 CONFIRMATION OF MINUTES

#### 09/24.4.1 Confirmation of Minutes – Council Meeting 19 August 2024

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 19 August 2024 be confirmed.

### 09/24.5.0 COUNCIL WORKSHOPS HELD SINCE 19 AUGUST 2024COUNCIL MEETING

There was a workshop held 2 September 2024 and the following items were listed for discussion.

- Presentation – Lisa Denny – Break O'Day Population
- Pending Development Application Updates
- Proposed Options for St Marys Exhibition Building
- Binalong Bay BBQ Area Redevelopment
- Revised Dog Management Policy 2024
- Policy Review – LG30 – Public Interest Disclosure Policy
- Request for Remission of Penalty & Interest - Elephant Pass Road Gray
- Animal Control Report
- Waste Compactor Replacement Options & Kerbside Recyclables Collection Service considerations
- Phasing out Problematic Single Use Plastics in Tasmania - Discussion Paper
- Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report Apr-Jun 2024
- Council Meeting Minutes Procedures

*Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.*

Nil

*The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.*



09/24.7.0

## COUNCIL MEETING ACTIONS

09/24.7.1

## Outstanding Matters



## COUNCIL RESOLUTIONS - MEETINGS - PUBLIC

10/09/2024

34

GOALS

83%

GOAL COMPLETION

## COUNCIL RESOLUTIONS PLAN

## COUNCIL RESOLUTIONS - AUGUST 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	19/08/2024	19/09/2024	08/24.6.1.422 DA 140-2023 – Residential and Visitor Accommodation - Multiple Dwellings (two (2) co-joined dwellings) and associated works – 6 Coffey Drive, Binalong Bay	1. After due consideration of the application received and pursuant to Section 57 of the <i>Land Use Planning &amp; Approvals Act 1993</i> and the <i>Break O'Day Interim Planning Scheme</i> , that the application for - Residential and Visitor Accommodation - Multiple Dwellings (two (2) co-joined dwellings and associated works) on land situated at 6 Coffey Drive, Binalong Bay described in Certificate of Title 11717/26 be APPROVED, subject to the following plans / documents and conditions:	Council considered the development application at its meeting on 19 August 2024. Officer recommendation was for approval of the Development Application. COUNCIL DECISION: 08/24.6.1.422 Moved: Cllr Chapple / Seconded: Cllr Wright For: Mayor Tucker Cllr Barnes, Cllr Carter, Cllr Chapple, Cllr Drummond, Cllr Oldham, Cllr Wright Against: Cllr Johnstone CARRIED The development application was approved at Council meeting dated 19 August 2024.	Senior Town Planner
50%	19/08/2024	16/09/2024	08/24.14.4.430 Relocation of Ashes at Cemeteries	1. That Policy AM04 Cemetery Management be accepted with the minor amendment to incorporate "relocation of ashes". 2. That a new fee to cover administration costs associated with the relocation of ashes be approved.	Fees and Charges updated and placed on Council's website.	Corporate Services Coordinator
100%	19/08/2024	18/11/2024	08/24.14.5.431 Cecilia Street – Streetscape Concept	Councillors receive this report for information and for use as a basis for seeking available grant funding to undertake a staged approach to upgrade the streetscape at the northern end of Cecilia Street.	Item closed.	Manager Infrastructure and Development Services

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
0%	19/08/2024	16/09/2024	<b>08/24.15.2.433 Safeguarding Children and Young People – Statement of Commitment</b>	<p>1. That Council adopt the Statement of Commitment which shows that we are collectively and individually committed to improving the way we work with children and young people:</p> <p><i>Break O'Day Council is committed to regularly training and educating our Councillors, employees and volunteers on child abuse risks.</i></p> <p><i>We are committed to the safety of all children; the cultural safety of Aboriginal children; the safety of children from culturally and/or linguistically diverse backgrounds; and to providing a safe environment for children with a disability.</i></p> <p><i>We have specific policies and procedures in place that support our Councillors, staff and volunteers to achieve these commitments.</i></p> <p>2. That Council include the Statement of Commitment into Policy CB09 – Interim Safeguarding Children and Young People Policy.</p>		Corporate Services Coordinator
100%	19/08/2024	21/10/2024	<b>08/24.15.3.434 St Helens Surf Angling Club – Swimcart Beach Building</b>	That Council commence discussions with Parks & Wildlife/Crown Land Services with regard to entering into a lease arrangement for the Swimcart Beach Building located at Swimcart.	Advised PWS by email of Council's decision to take over the lease of the Swimcart facility for the use of the community organisation	Manager Community Services
100%	19/08/2024	16/09/2024	<b>08/24.15.4.435 Georges Bay Sailing &amp; Aquatic Club – Permission to use Council leased land</b>	That Council permit the Georges Bay Sailing & Aquatic Club to establish a temporary fenced off area adjacent to the existing Scout Shed at O'Connors Beach for the storage of their dinghies.	Advised committee of Council decision and commencement of lease agreement for the parcel of land has commenced	Manager Community Services
100%	19/08/2024	21/10/2024	<b>08/24.15.5.436 Request to waive fees for Stadium and camping at St Helens Sports Complex – Military Brotherhood Military Motorcycle Club</b>	That Council approve a full fee waiver as requested by the Military Brotherhood Military Motorcycle Club (MBMMC) allowing them to camp at the St Helens Sports Complex and hire the Bendigo Bank Community Stadium for their event from Thursday 7 November 2024 to Sunday 10 November, 2024.	Advised event organisers of Council decision in relation to fee waivers etc	Manager Community Services
100%	19/08/2024	16/09/2024	<b>08/24.15.6.437 Waiver of fees – A Festival Called George</b>	<p>That Council support this event by waiving the following fees associated with the running of the event "A Festival Called George":</p> <ul style="list-style-type: none"> <li>· Supply and empty 30 General waste and 20 recycling bins;</li> <li>· Waive the hire fees for use St Helens Foreshore for these events; and</li> <li>· The hire of the eight (8) banner poles located in St Helens so that the promotional banners can be used to promote the upcoming event.</li> </ul>	Advised committee of Council's decision to waive fees for their annual event.	Community Services Officer

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	19/08/2024	21/10/2024	<b>08/24.15.7.438 Youth Voice to Council</b>	That Council endorse and implement A Youth Voice to Council Framework.	Council endorsed the Youth Voice to Council Framework and agreed that Council staff could begin implementation. The Framework has been uploaded to Council's website and printed copies are being shared with youth stakeholders.	Mental Health and Wellbeing Coordinator
100%	19/08/2024	16/09/2024	<b>08/24.17.3.442 Local Government Association of Tasmania Feedback Request for the Local Government Code of Conduct</b>	That Council note the previous engagement processes and that it is unlikely that any substantive change will be made irrespective of feedback, and that the Local Government Association of Tasmania be advised that Break O'Day Council has no comment to make.	Feedback provided in line with the Council discussion	General Manager

## COUNCIL RESOLUTIONS - JULY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	15/07/2024	05/08/2024	<b>07/24.6.1.400 DA 065-2024 - Installation of Demountable Building &amp; Storage Containers (3) - 21-23 Rex Court, St Helens</b>	1. After due consideration of the application received and pursuant to Section 57 of the <i>Land Use Planning &amp; Approvals Act 1993</i> and the <i>Tasmanian Planning Scheme – Break O’Day</i> , that the application for Installation of Demountable Building & Storage Containers (3) on land situated at 21-23 Rex Court, St Helens described in Certificate of Title 107563/10 be APPROVED subject to the following plans / documents and conditions:	DA065-2024 was determined by Council at its meeting 15 July 2024.  07/24.6.1 DA 065-2024 - Installation of Demountable Building & Storage Containers (3) - 21-23 Rex Court, St Helens  <b>07/24.6.1.400</b> Moved: Clr Chapple / Seconded: Clr LeFevre  <b>CARRIED UNANIMOUSLY</b>	Senior Town Planner
100%	15/07/2024	05/08/2024	<b>07/24.13.4.405 Request for General Rate Remission and Service Rate Remission – PID 6414634 - 4 Dunn Street, Mathinna</b>	That in accordance with the provisions of s.129 of the <i>Local Government Act 1993</i> and Council's <i>Rating Exemptions and Remission Policy no LG11</i> , Council approves a General Rate remission and a 50% Service Charge Remission to the total value of \$939.00 as requested for the property known as 4 Dunn Street, Mathinna identified as PID 6414634.	Applicant advised of Council's decision and waiver processed.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.13.5.406 Amended Schedule of Fees and Charges</b>	That Council adopt the following amendments to the Fees and Charges to be included in Councils Schedule of Fees & Charges 2024/2025.  Development Charges · New Development (Subdivision/Adjustment) Section - Subdivision Application Fee - \$620.00 + \$170.00 per lot · Building Services – Plumbing – Commercial Section - Commercial Certificate of Likely Compliance Plumbing – Plumbing Permit/Assessment - Greater than 151m2 - \$1,500 · Environmental Health - Nuisance - Abatement Costs Associated with Non-Compliance – Cost of Works + \$175.00	Fees and Charges updated on Council's website and relevant systems.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.14.3.409 Policy review – AM03 Street Lighting Policy</b>	That Policy AM03 Street Lighting Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.14.4.410 Policy review – AM06 Footpath Construction Policy</b>	That Policy AM06 Footpath Construction Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.14.5.411 Policy review – AM07 Playground Management Policy</b>	That Policy AM07 Playground Management Policy be accepted with minor amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.14.6.412 Policy review – AM08 Subdivision New Works &amp; Infrastructure Construction Policy</b>	That Policy AM08 Subdivision New Works & Infrastructure Construction Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.14.7.413 Policy review – AM10 Reserves Management Policy</b>	That Policy AM10 Reserves Management Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	15/07/2024	05/08/2024	<b>07/24.14.8.414 Policy review – AM14 Mowing Policy</b>	That Policy AM14 Mowing Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	<b>07/24.16.2.417 Naming of Road (Lynda Place) – “St Helens Fields” 46 Lot Subdivision P2382 Tully Street, St Helens</b>	That Council approve the use of the name “Lynda Place” for the cul de sac currently un-named off Annabel Drive, St Helens (Subdivision Reference – DA159-2020)	Actions completed	Development Services Coordinator
90%	15/07/2024	31/08/2024	<b>07/24.16.3.418 Revised Dog Management Policy 2024</b>	That Council adopt the revised <i>Dog Management Policy 2024</i> including dog zones (Declared areas), having considered public submissions on a draft and noting the Declared areas it identifies are subject to the Parks and Wildlife Service agreeing to authorise the same on Reserves they manage.	REvised Popolicy adopted with new dog zones subject to formal Declaration by Council under the Dog Control Act, pending agreement from the Parks and Wildlife Service to authorise the same access for dogs under their Reserve management legislation. Current dog zones (2018) continue to apply. Their Declaration expires on 14 January 2025.	NRM Facilitator
15%	15/07/2024	31/08/2024	<b>07/24.9.1.401 Lease/ management agreement for the front garden of the old hospital site at St Helens – Clr Carter</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council immediately pursue a lease/ management agreement for the front garden of the old hospital site at St Helens, from the State Government, and open it up as public open space.</p>	Discussions with the owner of the site have recommenced and Council's interest in securing this piece of land has been reinforced.	General Manager

COUNCIL RESOLUTIONS - JUNE 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
90%	24/06/2024	31/07/2024	06/24.14.3.391 Speed Limits – North Ansons Bay Road and Ansons Bay	That Council adopt the recommendations made by Traffic & Civil Services as stated in this report.	Recommendations made by TCS were endorsed by the Council at the June 2024 Council meeting. State Growth officers have reviewed the changed speed limit proposals. Submission is in progress.	Manager Infrastructure and Development Services



## COUNCIL RESOLUTIONS - MAY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
90%	20/05/2024	24/06/2024	<b>05/24.9.1.358 Developing walking trails around and within the Scamander Complex precinct – Clr Carter</b>	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That Council considers options to develop walking trails around and within the Scamander Complex precinct.	The Council received this report and endorsed the following steps for developing the project: • Assess and review matters related to flora and fauna at the site. • Lodge an Aboriginal Heritage Tasmania Assessment in accordance with prescribed Assessment Process. • Approach the Department of Natural resources and Environment in relation to upgrading part of the short track segment located on Crown Land.   08/24.14.3 Scamander Sports Complex – Walking Trails 30 • Identify grant funding opportunities. • Report outcomes to the Council.	Manager Infrastructure and Development Services
100%	20/05/2024	24/06/2024	<b>05/24.15.2.370 RV Camping - Fingal</b>	1. That Council consider relocating the RV caravan parking currently located within the Fingal Park area to the Fingal Recreation Ground; and 2. That Council engage with the Fingal Community to relocate the RV Caravan camping to the Fingal Recreation Ground and seek their comments on the proposed relocation.	Council staff have finalised fact sheet and the information has been mailed to all residents in Fingal explaining of why the decision was made to move the RV Campers and where they would not be relocated to	Manager Community Services

## COUNCIL RESOLUTIONS - MARCH 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	04/03/2024	30/04/2024	<b>03/24.9.1.323 Speed limit reduction – Cllr Le Fevre</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>The Break O'Day Council petition the Department of State Growth for a speed limit reduction (60kmh-50kmh) from the Golden Fleece Bridge in St. Helens to the intersection of the Tasman Highway and St. Helens Point Rd.</p>	<p>In June 2024, the Manager of Infrastructure &amp; Development Services forwarded correspondence from a local Atlas Drive resident to State Growth about safety concerns along the Tasman Highway between St Helens Point Road and Medeas Cove Road and the junctions with Atlas Drive. The Department has subsequently advised that the section of the Tasman Highway between St Helens Point Road and Medeas Cove Road follows the coastline, and its width and alignment are constrained by a steep embankment on one side and the waterfront on the other. Any widening or straightening works would be prohibitively expensive and would have dramatic environmental impacts. The department currently has no plans to upgrade this section of the highway. The department has previously considered that the existing 60 km/h speed limit on this section of the Tasman Highway is appropriate but would welcome the Council's views on whether a 50 km/h speed limit would be supported by the community—workshop report to be prepared for Council information and discussion a future workshop</p>	Manager Infrastructure and Development Services
75%	04/03/2024	30/09/2024	<b>03/24.9.3.325 Decision to demolish the Exhibition Hall at St Marys Recreation Ground – Cllr Drummond</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council rescind any former decision to demolish the Exhibition Hall at St Marys Recreation Ground and provide an assurance that the Exhibition Hall will not be demolished.</p>	<p>A report was presented at the September Council workshop. The report will be presented at the September Council meeting for consideration.</p>	Development Services Coordinator



## COUNCIL RESOLUTIONS - JANUARY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	15/01/2024	05/02/2024	<b>01/24.9.2.290 Binalong Bay Parking, Traffic and Pedestrian Safety – Mayor Tucker</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council Officers review the existing Binalong Bay Foreshore Master Plan and develop a project scope that can be used to engage an expert to provide a report on the following:</p> <ol style="list-style-type: none"> <li>1. Improved Parking Accessibility</li> <li>2. Assessment of Additional Parking Areas, traffic calming and pedestrian safety improvements.</li> </ol>	<p>The Binalong Bay Foreshore Master Plan has recently undergone an initial review. Council officers are drafting project scope that can be used to engage an expert to provide a report on the following aspects: 1. Enhanced Parking Accessibility and 2. Assessment of Additional Parking Areas, Traffic Calming, and Pedestrian Safety Improvements.</p>	Manager Infrastructure and Development Services

## COUNCIL RESOLUTIONS 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	20/03/2023	30/06/2023	<b>03/23.15.7 St Helens Sports Complex</b>	<ol style="list-style-type: none"> <li>1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project.</li> <li>2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.</li> </ol>	A draft Brief has been developed for this project. This project will now be incorporated into the St Helens and Binalong Bay Liveability Strategy which is currently being developed.	Manager Community Services
75%	26/06/2023	31/07/2023	<b>06/23.9.2.131 Online Access Centre Funding – Clr Carter</b>	<p>That Council write to the State Government requesting:</p> <ol style="list-style-type: none"> <li>1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024.</li> <li>2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023.</li> <li>3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input</li> </ol>	Following numerous items of correspondence to a number of Ministers, Council was advised on 7/8/24 that the Centres will continue to receive annual funding until 30 June 2025. The Minister has also advised that the Government is planning to undertake an independent review io investment in digital inclusion programs, including the Digital Connections Grant program. The General Manager has advised of Council's interest in participating in the review.	General Manager
20%	18/12/2023	29/02/2024	<b>12/23.9.1.265 Indigenous name for St Patricks Head – Clr J Drummond</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.</p>	Initial response received from PWS. Council's approach to dual naming has been raised as part of the Reconciliation Action Plan process with the discussion being about an all encompassing approach rather than adhoc naming	General Manager

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	18/12/2023	31/01/2024	<b>12/23.9.3.267 Community landscape plan or policy for our townships – Deputy Mayor K Chapple</b>	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</p> <p>That Council develop a community park / garden landscape plan / and or policy for our townships.</p>	Policies by other LGAs have been researched and a draft policy has been written for internal review prior to being workshopped with Councilors.	Manager Infrastructure and Development Services

## COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	21/02/2022	31/03/2022	<b>02/22.16.5.39 - Management of Freshwater Resources and Water Quality</b>	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	Freshwater water resources and water quality management issues in the state and for Break O'Day are an on-going topic for Council's NRM Committee. Opportunities to address with Council developments in management of them by Tasmanian Government agencies and bodies will continue to be sought.	NRM Facilitator
77%	27/06/2022	31/10/2022	<b>06/22.15.3.123 - Outdoor Exercise Equipment - Scamander</b>	That Council seek external funding to cover the cost of this project.	Council at their meeting in June, 2024, in consultation with the community changed the location of the proposed exercise gym equipment to the eastern side of the bridge	Manager Community Services

ACTION	DISCUSSION
PROPONENT	Break O'Day Council
OFFICER	John Brown, General Manager Jayne Richardson, Executive Officer
FILE REFERENCE	002\019\010\
ASSOCIATED REPORTS AND DOCUMENTS	Petition – Fingal Youth Park - community concerns

**OFFICER'S RECOMMENDATION:**

That Council receive the petition and discuss if any further action is required.

**INTRODUCTION:**

The petition with accompanying letter was received by registered mail on 27 August 2024 and has 36 signatories.

The petition in full is included following this report.

The petition was proposed by:

1. Sewryn Krupski
2. Peter McGill
3. Ian Carline

The letter (included in this report) was addressed to the General Manager. The main points of the letter were:

- Formal objection to the redevelopment of the Fingal Park to a Fingal Youth Park
- Formal objection to the relocation of the RV park from Fingal Park to the Fingal Recreation Ground
- Request for a discussion with Council around the best way to develop Fingal

The petition requests two things (Wording below is directly quoted from the petition)

1. *Oppose Council's proposal to develop Fingal Park into a Youth Park*
2. *Use the Government funding to redevelop existing facilities at the Fingal Recreation Ground for multi-use*

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

## OFFICER'S REPORT:

As per Section 57(2)(e)(i) the petition does not meet the legislative requirements as it does not meet the minimum required signatories, even if all signatories were deemed valid.

Following a cross check with the Electoral Roll dated 8 September 2022 there was the following breakdown:

<b>On Electoral Roll or General Managers Roll</b>	<b>22</b>
<b>Not on Electoral Roll or General Manager's Roll</b>	<b>14</b>

The total number of eligible signatories required under Section 57 of the *Local Government Act 1993* is "5% of the electors of the Municipal area or 1,000 of those electors whichever is the lesser".

The current number on the Electoral Roll as at the 8 September 2022 is 5,414 which equates to a minimum of 271 eligible signatories in order for the survey to be deemed valid under Section 57 of the *Act*.

Regarding the letter and petition's content, the following background information is provided for Councillor consideration.

### **Fingal Youth Park Project**

In 2019 Break O'Day Council received funding through the Federal Government's Black Summer Bushfire Recovery program. Specifically for projects in the Fingal community. This funding included the development of a youth park as well as the design and construction of a community shed.

These two projects were selected based on community consultation. The Fingal Youth Park specifically was based on consultation work done by Youth Connect North East Tasmania (YCNCT) and the Fingal Valley Neighbourhood House.

In April 2022 Council Officers conducted community consultation for the Fingal Youth Park project.

To ensure we reached as many people as possible we:

- Held a community information and consultation session in Fingal on 20 July 2023 at the Fingal Valley Neighbourhood House from 2-4pm.
- We wrote to neighbouring property owners and met with them on request. Two property owners took us up in this request including the owners of 17 Talbot Street.
- We developed a survey that could be accessed online or in hardcopy via the Council or Fingal Valley Neighbourhood House.

These opportunities were promoted through social media, via the Fingal township email database, Council's newsletter, the Valley Voice and via posters located at the Fingal Valley Neighbourhood House.

Updates on this project have been shared on Council's website as well as Council's newsletter. We have also used the Mayor's regular column in the Valley Voice to update the Fingal community on this project.

Feedback obtained through this process was used to develop the final plans for the Park. These plans include the development of a pumptrack, basketball half court as well as plantings and refurbishment of existing facilities.

Regarding the funding for this project, as with all State and Federal grants, the funding must, and can only be used for the project for which it was granted, in this case the Fingal Youth Park project.

### **Relocation of the Fingal RV Park**

On 17 July 2024 Council officers emailed the Fingal Township database and wrote to eight adjoining property owners to explain the reasoning behind the relocation of the Fingal RV Park. This was accompanied with an FAQ which was also made available through our website. This information has also been shared through our newsletter and Valley Voice article.

All three proponents of the petition received a copy of this information via direct mail which included detail on why the relocation must occur.

A copy of the letter and FAQ are included in this report.

The main point of this correspondence was to inform the community that this decision was one that Council had to make due to changes to *Child and Youth Safe Organisations Act 2023* and that this, unfortunately was non-negotiable. The information also stated that we would be allocating funding to develop a Master Plan for the Recreation Ground in the 25-26 budget which would include community consultation.

### **Discussion with Council**

Proponents have stated in their letter that they wish to have discussions with Council regarding the development of the town and the recreation ground. As stated above we have committed to the Fingal community that we will consult with the town's community when we are developing a master plan for the Recreation Ground in the 25-26 financial year.

Council Officers have also worked with the Fingal community to develop township plans which contain a range of actions for Council and the community to work through together to achieve a vibrant township. These plans are available on our website and are reviewed every two years. The next review will occur in 25-26 financial year, this will good timing as it will also allow us to concurrently consult regarding the master plan project.

Council would like to encourage all members for the Fingal community to ensure that they take part in these consultative opportunities as they arise to ensure their thoughts are captured.

### **Current Fingal Park Update**

A tenderer has now been appointed to undertake the pumptrack development.  
A contractor is still being sought for the half court work.

Prior to receiving the petition, Council Officers had spoken over the phone, met with and written to two of the proponents where both projects were discussed in detail. This is in addition to the consultation and communication mentioned above.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Infrastructure: To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

#### Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
2. Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.

#### *Key Focus Area:*

Towns - Create townships that are vibrant and welcoming through improvements to infrastructure such as, streetscapes, parking, safety and signage.

Community Facilities - Provide community facilities that encourage participation and supports the lifestyle of residents and growing visitor numbers.

Recreational Facilities - Support an outdoor, active and healthy lifestyle for residents and visitors through a range of recreational facilities including walking trails, bike trails and other identified infrastructure.

#### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

#### Strategy

4. Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

#### *Key Focus Area:*

Wellbeing - Support and enhance community wellbeing through shared understandings, and opportunities for people to get involved, connect, build on strengths, and feel a sense of belonging in Break O'Day.



## LEGISLATION & POLICIES:

### Section 57, Local Government Act 1993.

#### **57. Petitions**

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
- a) a clear and concise statement identifying the subject matter and the action requested; and
  - b) in the case of a paper petition, a heading on each page indicating the subject matter; and
  - c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
  - d) a statement specifying the number of signatories; and
  - e) at the end of the petition –
    - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
  - f) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.
- (3) In this section –
- Electronic petition** means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;
- Paper petition** means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;
- Petition** means a paper petition or electronic petition;
- signatory** means –
- a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
  - b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIRMENTS:

Simple Majority

# WHY IS THE FINGAL RV PARK RELOCATING?



## WHY ARE YOU RELOCATING THE FINGAL RV PARK?

Last year the Tasmanian Government introduced new legislation called the Child and Youth Safe Organisations Act 2023. This new legislation is about ensuring the safety of young people no matter where they are and places the responsibility for ensuring this safety on adults and organisations.

This means that Council, like all other councils and organisations, is responsible for ensuring that all our parks, buildings and other facilities are considered a safe environment for children and young people under this new Act.

During an internal review of our facilities, we identified a conflict with the Act at Fingal Park. Essentially, having public and free RV parking available right next to a Children's playground is considered a potential risk to child safety. As we, the managers of the Park, are unable to ensure that children and young people will be safe. The only way for us to resolve this is by moving the RV parking to the Fingal Recreation Ground.

## WHY THE RECREATION GROUND?

This space is currently underutilised by the Valley community and is still located a close distance to the centre of Town. The site also provides many of the amenities that RV campers will expect such as:

**Space to Park** – there will be even more room for RV Campers at this location

**Showers and Toilets** – There are already toilets and showers at this location including disability access.

**Flat and Open** – the location is flatter and more open providing more space for campers to spread out and enjoy the area.

## DOES COUNCIL HAVE ANY OTHER PLANS FOR THE RECREATION GROUND?

The first step will be for us to relocate the RV Camping and publicise this (more info on promotion is included in this FAQ.) Once we have done this we plan on developing a Master Plan for the Area so we can look at the whole ground and it's use holistically which will include asking the community what their ideas are for the Recreation Ground. We plan on budgeting for this project in the 2025-2026 budget.

## DOES COMMUNITY HAVE ANY SAY ON THIS CHANGE?

Unfortunately, no. This is a change that we must make to meet our obligations under the Act. However, community will have a say on any new developments at the Fingal Recreation Ground when we are ready to develop the Master Plan.

## HOW ARE YOU GOING TO LET RV CAMPERS KNOW ABOUT THE MOVE?

We will erect signage at the Fingal Park directing campers to the new location at the Recreation Ground

We will erect signage at the Recreation Ground explaining the facilities and use of the area

We will erect signage on the approaches to town directing people to the new location .

We will contact RV camping groups and websites such as wiki camps etc advising them of the change.

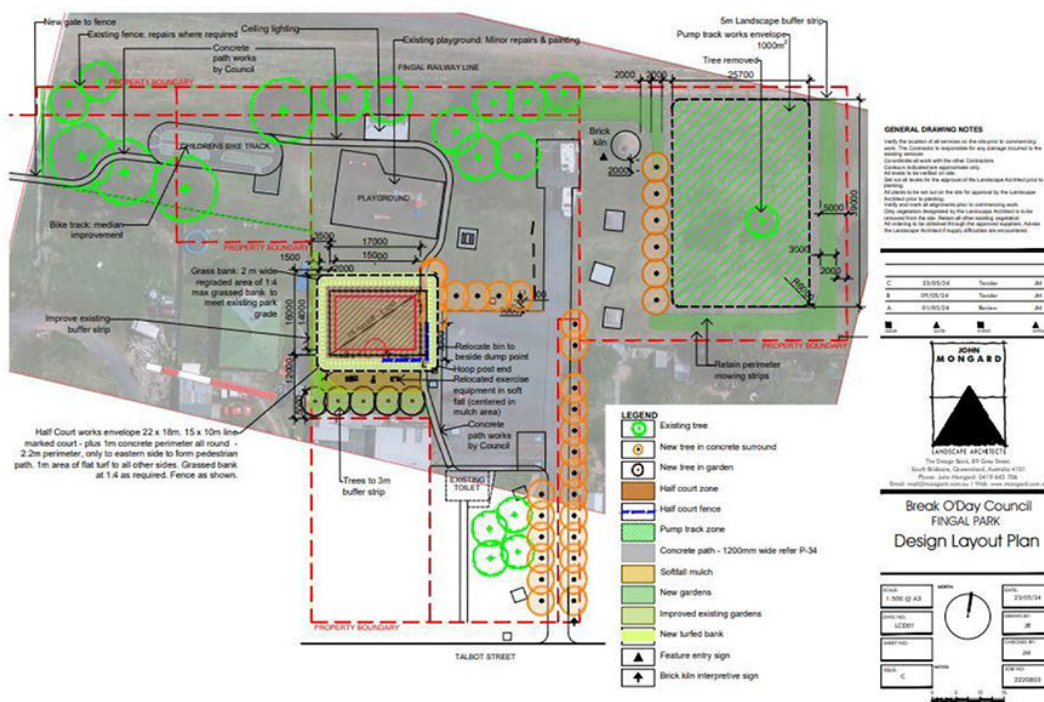
We will draft and supply a media release to news outlets including appropriate camping publications.

## WHAT ARE THE PLANS FOR THE EXISTING FINGAL PARK?

Council is still going to re-develop Fingal Park so that it is better equipped for children and youth. This includes some new plantings, developing a pumptrack and a basketball half court. Both these facilities were at the top of the Fingal Community's list when we consulted residents in July last year. We will also give the existing facilities an upgrade or facelift to complete the park. We have included the designs for this work below and we are currently looking for a consultant to do this work.

- **Dump Point** – The dump point will be staying at it's current location for the time being
- **EV Charging Station** – Will stay in its current location
- **Picnic Tables** – We will upgrade and relocate the picnic tables (see plan)
- **Heritage Stack** – This will remain in place and we will introduce signage explaining its significance.
- **Playground** – This will remain in place and receive some rehabilitation works
- **Exercise Equipment** – We will relocate the exercise equipment
- **Screening** – we will introduce plantings to act as a buffers for certain areas and adjoining properties.

Below image: New site plan for Fingal Park.



If you have any questions please don't hesitate to contact Council by emailing us at [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au), or calling us on 63767900



Dear ,

**Fingal RV Park Relocation and Fingal Park Redevelopment**

As an adjoining property owner of the Fingal Valley Park, we are writing to advise you of some changes that we will be making at the Park that includes:

1. Relocation of the RV Park
2. Redevelopment of the Fingal Park.

**Relocation of the RV Park**

Due to the introduction of the *Child and Youth Safe Organisations Act 2023*, Council will be relocating the Fingal Valley RV Park. Currently, the RV Park is located right next door to the children's playground which means, under the new legislation the playground is no longer considered a child safe location. You can find more information on this new legislation on the [justice.tas.gov.au](https://justice.tas.gov.au) website.

Council will be relocating the RV Park to the Fingal Recreation Ground which is currently underutilised by the Fingal Community and already has amenities that RV Campers will require such as; space to park, showers and toilets and flat and open space that provides more room than the current location.

**Redevelopment of the Fingal Park.**

We will be continuing the Fingal Park redevelopment project which we consulted the Fingal community on in July last year. The redevelopment will include a new pumptrack and basketball halfcourt. We will also include some screening plantings, refurbishment of the playground, new picnic tables and new educational signage for the heritage stack.

We have include a FAQ sheet with this letter with more information on both the relocation and redevelopment.

If you have any questions please don't hesitate to contact us, [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au) or phone 6376 7900.

Yours sincerely,

John Brown  
**GENERAL MANAGER**



Fingal Communities

23<sup>rd</sup> of August 2024

Mr John Brown  
General Manager  
Break O'Day Council  
32-34 Georges Bay Esplanade  
ST HELENS TAS 7216

Dear John Brown  
General Manager

This letter is to voice our collective concern regarding Fingal RV Park Relocation and Fingal Park Redevelopment. As members of Fingal Communities, we feel compelled to address this issue directly through this petition.

We would like to stress again, our objection to the proposed development, in its current form, of the Fingal Town Park.

We request to hold discussions with members of the council to develop the best solution for the Fingal Township to see it grow attract other people and be an example to other towns.

Fingal Park is uniquely situated and has great possibilities to turn it into an exciting place for the whole community, visitors, and travellers.

We believe this change will not only benefit our community but also set a precedent for responsible and responsive governance.

Attached you will find a list of 36 signatures from individuals who share this concern and support this petition.

Thank you for your attention to this matter.

Sincerely,

Fingal Communities

FORM 1 – PETITIONS

FINGAL PARK AND SPORTS RECREATION GROUND REDEVELOPMENT.  
(Name and Subject of Petition)

To the Councillors of the Break O'Day Council;

We the electors of the Break O'Day Municipality area petition the Councillors in accordance with the Local Government Act 1993 to: (State Purpose of Petition)

OPPOSE COUNCIL'S PROPOSAL TO DEVELOP FINGAL PARK INTO A YOUTH PARK.  
USE THE GOVERNMENT FUNDING TO REDEVELOP THE EXISTING FACILITIES  
AT THE FINGAL RECREATION GROUND FOR MULTI PURPOSE USE.

Name of Elector	Address	Signature
Shanara Bowden		
B. BROWN		
DIMETT		
D. STONE		
KEITH HEFFORD		
JAMES RANTEN		
John Lowe		

Declaration

We, the proposers of the petition, being electors of the Break O'Day Municipal area, declare:

- There are 36 Signatories to the petition;
- To the knowledge of the proposers, the signatories are electors of the municipal area;
- The petition was signed between 12.08.2024 (Commencement date) and 22.08.2024 (Completion date).

- The petition is proposed by-

1. SEWERYN KRUPSKI  
(Name of Proposer)

2. PETER M'GIA  
(Name of Proposer)

3. IAN CARLINE  
(Name of Proposer)

- A petition must be signed by at least three (3) proposers.

Name and address of person to whom notices concerning the Petition shall be addressed.

JOHN BROWN GENERAL MANAGER BREAK O'DAY COUNCIL  
32-34 GEORGES BAY ESPLANADE, ST HELENS TASMANIA 7216

— PAGE 1. —

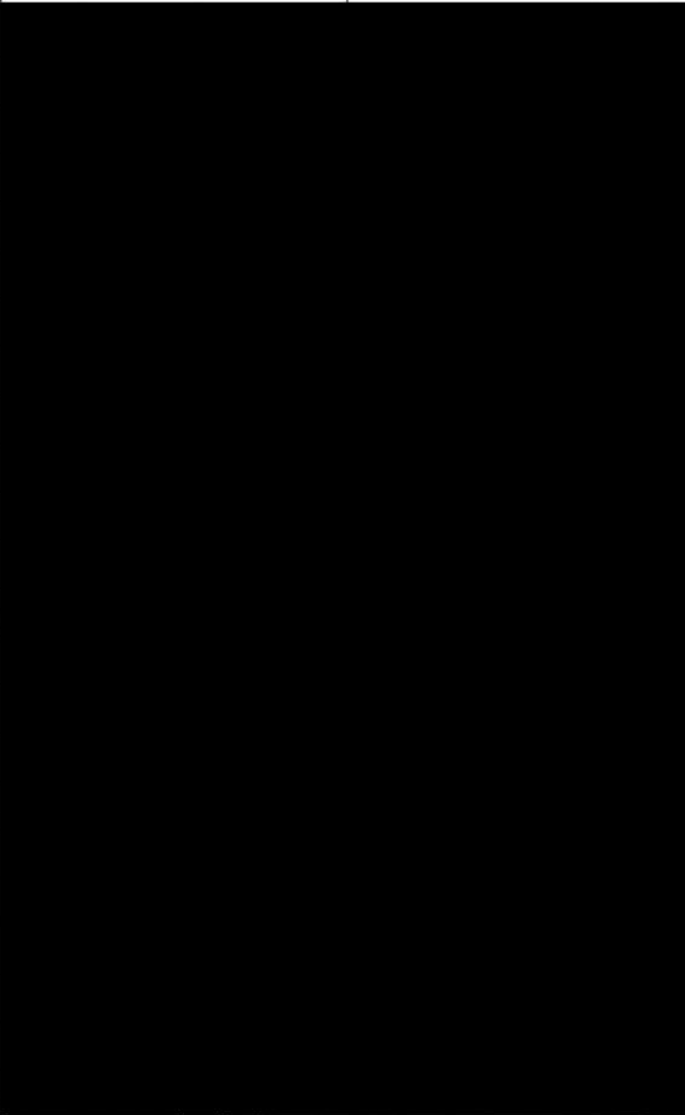
To the Councillors of the Break O'Day Council,

We the electors of the Break O'Day Municipality area petition the Councillors in accordance with the Local Government Act 1993 to: (State Purpose of Petition)

OPPOSE COUNCIL'S PROPOSAL TO DEVELOP FINGAL PARK INTO A YOUTH PARK.

USE THE GOVERNMENT FUNDING TO REDEVELOP THE EXISTING FACILITIES

AT THE FINGAL RECREATION GROUND FOR MULTI PURPOSE USE.

Name of Elector	Address	Signature
PAUL VERESS		
KAMISH THOMPSON		
PETER SIMONDS		
LES SHILLING		
JASON FORD		
D CARLINE		
MAL HANSON		
JOHN VINCENT		
Ashley Stone		
T.R. SCHACHT		
Lisa Wadley		
Randall Wadley		
Elizabeth Schacht		
Miriam Hope		
Devin Hope		
Carol Bates		
JENNIFER KREMMER		
David Reere		
Barbara Glendowan		
PAUL SOUTHWOODS		
TINA FRENCH		
EMMA COOK		
ROBYN GULLA		

- PAGE 2 -

To the Councillors of the Break O'Day Council,

We the electors of the Break O'Day Municipality area petition the Councillors in accordance with the Local Government Act 1993 to: *(State Purpose of Petition)*

OPPOSE COUNCIL'S PROPOSAL TO DEVELOP FINGAL PARK INTO A YOUTH PARK.

USE THE GOVERNMENT FUNDING TO REDEVELOP THE EXISTING FACILITIES

AT THE FINGAL RECREATION GROUND FOR MULTI PURPOSE USE.

Name of Elector	Address	Signature
Daniel Kuit		
ROSEMARY TRIPP		
Mary English		
MICHAEL YOUNG		

- PAGE 3 -



**Local Government Act 199 - Extracts relating to petitions**

**PART 6 - Petitions, polls and public meetings**

***Division 1 - Petitions***

**57. Petitions**

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
  - (2) A person lodging a petition is to ensure that the petition contains -
    - (a) a clear and concise statement identifying the subject matter; and
    - (b) a heading on each page indicating the subject matter; and
    - (c) a brief statement on each page of the subject matter and the action requested; and
    - (d) a statement specifying the number of signatories; and
    - (e) the full printed name, address and signature of the person lodging the petition at the end of the petition.
- 

**58. Tabling petition**

- (1) A councillor who has been presented with a petition is to -
  - (a) table the petition at the next ordinary meeting of the council; or
  - (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection(1)(b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if -
  - (a) it does not comply with section 57; or
  - (b) it is defamatory; or
  - (c) any action it proposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgment.

**59. Petitions seeking public meetings**

- (1) A petition under section 57 may request that a council hold a public meeting regarding the subject matter of the petition.
- (2) A council must hold a public meeting if the petition complies with section 57 and it is signed by whichever is the lesser of the following:
  - (a) 5% of the electors in the municipal area;
  - (b) 1000 of those electors.
- (3) A petition that requests a public meeting is not to be made in respect of any matter relating to rates and charges in Part9 if those rates or charges have been made for the current financial year.

**60. Action on petition**

- (1) The general manager, by notice in writing to the person who lodged the petition, is to -
  - (a) advise whether the petition complies with section 59, if it seeks a public meeting; and
  - (b) give reasonable notice of when the council is to consider the petition.
- (2) Within 42 days after the tabling of the petition -
  - (a) the general manager is to advise the council at a council meeting whether the petition complies with section 59, if applicable; and
  - (b) the council, at that meeting, is to determine any action to be taken in respect of the petition.
- (3) If the petition complies with section 59, or the council otherwise resolves to hold a public meeting regarding the subject matter of the petition, the council, within 30 days after the meeting referred to in subsection(2), is to hold a public meeting to discuss the subject matter of the petition.
- (4) The council is to record in the minutes of the meeting referred to in subsection (2) -
  - (a) the subject matter of the petition; and
  - (b) the number of signatories to the petition.

## 09/24.9.0 NOTICES OF MOTION

Nil

## 09/24.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 09/24.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

*Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.*

*The Chairperson must not permit any debate of a Question without Notice or its answer.*

## 09/24.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 09/24.12.1 Mayor's Communications for Period Ending 16 September 2024

23.08.24	<b>Launceston</b>	– Northern Local Government Round Table with Anita Dow MP.
26.08.24	<b>MS Teams</b>	– Local Government Association of Tasmania Meeting.
28.08.24	<b>Scamander</b>	– Probus Meeting.
28.08.24	<b>St Helens</b>	– Meeting with Dr Fox and the General Manager.
16.09.24	<b>St Helens</b>	– Council Meeting.

### 09/24.12.2 Councillor's Reports for Period Ending 16 September 2024

*This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.*

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple
- NRM Special Committee – Clr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre
- Mental Health Action Group – Clr Barry LeFevre
- Access and Inclusion Advisory Committee – Clr Janet Drummond
- Bay of Fires Master Plan Steering Committee – Clr Ian Carter

<b>ACTION</b>	<b>INFORMATION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, Manager Business Services
<b>FILE REFERENCE</b>	018\018\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****End of Financial Year & Audit Process**

This reporting period is always a busy time with end of financial year tasks being finalised and the annual audit process being undertaken with the Tasmanian Audit Office (TAO). The first rates instalment also fell due during the period.

The Annual Financial Statements were submitted within the statutory timeframe and are now under assessment by the TAO before being formally signed off. With a full revaluation of assets process undertaken during the year, I'd like to extend my thanks to the project team for their work and effort in what is a complex and time-consuming process.

**Digital Transformation**

Council Officers have been working for some months with its Telstra Partner to set up and install a new telephone system. The switch over to the new system will take place mid-October (date to be confirmed). Once the date is confirmed the community will be advised of the changeover. While considerable planning and training has taken place, the changeover may cause minimal or unforeseen delays or outages. We will continue to provide updates to the community if there are any issues.

## Investments

Date Rolled Over	Maturing	Term (Mths)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
01.02.24	01.07.24	5	1,000,000.00	20,188.49	\$ 1,020,188.49	4.88%	CBA	MATURED
02.04.24	01.08.24	4	1,000,000.00	15,779.73	\$ 1,015,779.73	4.76%	CBA	MATURED
21.09.23	20.09.24	12	2,000,000.00	106,200.00	\$ 2,106,200.00	5.31%	CBA	CURRENT
20.03.24	21.10.24	7	1,000,000.00	24,250.00	\$ 1,024,250.00	4.85%	CBA	CURRENT
10.11.23	08.11.24	12	1,000,000.00	54,100.00	\$ 1,054,100.00	5.41%	CBA	CURRENT
19.04.24	19.12.24	8	1,000,000.00	32,466.67	\$ 1,032,466.67	4.87%	CBA	CURRENT
09.05.24	09.01.25	8	1,000,000.00	34,000.00	\$ 1,034,000.00	5.10%	Bendigo	CURRENT
30.08.24	29.01.25	5	1,000,000.00	20,750.00	\$ 1,020,750.00	4.98%	Westpac	CURRENT
09.05.24	07.02.25	9	1,500,000.00	57,600.00	\$ 1,557,600.00	5.12%	Bendigo	CURRENT
26.08.24	26.02.25	6	3,000,000.00	73,196.71	\$ 3,073,196.71	4.84%	Bendigo	CURRENT
01.07.24	01.03.25	8	1,000,000.00	34,904.11	\$ 1,034,904.11	5.20%	Bendigo	CURRENT
01.07.24	01.04.25	9	1,000,000.00	39,035.62	\$ 1,039,035.62	5.20%	Bendigo	CURRENT
02.08.24	02.05.25	9	1,500,000.00	56,656.85	\$ 1,556,656.85	5.05%	Bendigo	CURRENT
			<b>\$17,000,000.00</b>	<b>\$569,128.18</b>	<b>\$17,569,128.18</b>			

## 2024/2025 Rates Summary - 2 September 2024

	2024/2025		2023/2024	
<b>Rates Brought Forward</b>	%	\$	%	\$
Outstanding Rate Debtors		813,906.84		695,682.00
Less Rates in Credit		-296,603.81		-271,007.13
<b>Net Rates Outstanding at 30 June 2024</b>	<b>3.69</b>	<b>517,303.03</b>	<b>3.44</b>	<b>424,674.87</b>
Rates and Charges Levied	96.26	13,498,190.67	96.53	11,915,945.94
Interest and Penalty Charged	0.05	6,547.25	0.03	4,256.80
<b>Total Rates and Charges Demanded</b>	<b>100.00</b>	<b>13,504,737.92</b>	<b>100.00</b>	<b>11,920,202.74</b>
Less Rates and Charges Collected	49.65	6,962,365.53	54.91	6,778,670.62
Less Credit Journals and Supp Credits	0.60	84,050.55	0.69	84,650.16
Remissions and Discount	4.54	636,949.80	4.89	603,508.82
<b>Unpaid Rates and Charges 2 September 2024</b>	<b>45.21</b>	<b>6,338,675.07</b>	<b>39.51</b>	<b>4,878,048.01</b>

### Remissions and Discounts

	2024/2025	2023/2024
Early Payment Discount	120,853.78	116,617.04
Pensioner Rebates	516,096.02	486,891.78
	<b>636,949.80</b>	<b>603,508.82</b>

<b>Number Rateable Properties</b>	6,877	6,784
<b>Number Unpaid Rateable Properties</b>	2,054	3,734
<b>% Properties Not fully paid</b>	<b>29.87</b>	<b>55.04</b>

### Right to Information (RTI) Requests

1

### 132 and 337 Certificates

	132	337
<b>August 2024</b>	37	20
<b>July 2024</b>	68	29
<b>August 2023</b>	35	25

## Debtors/Creditors as of 5 September 2024

### DEBTORS INFORMATION

#### Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
66	\$ 271,141.41	166	87	181

### CREDITORS INFORMATION

#### Payments Made

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
295	\$ 1,194,340.96	695	281	593

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

#### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

## LEGISLATION & POLICIES:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

**OFFICER'S RECOMMENDATION:**

That the following reports for the period ending 31 August 2024 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at 31 August 2024



## Profit and Loss

Break O'Day Council

For the month ended 31 August 2024

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	Annual Budget	Notes
<b>Trading Income</b>						
Rates	13,410,732	13,385,406	25,326	0%	13,385,406	
User Fees	275,919	300,577	(24,658)	-8%	1,481,549	
Operating Grants	539,935	919,029	(379,095)	-41%	4,335,240	1
Interest & Investment Income	(129,927)	(83,964)	(45,963)	55%	1,133,512	
Contributions	49,253	1,794	47,459	2645%	10,765	
Other Revenue	13,568	15,652	(2,084)	-13%	93,907	
<b>Total Trading Income</b>	<b>14,159,479</b>	<b>14,538,494</b>	<b>(379,015)</b>	<b>-3%</b>	<b>20,440,379</b>	
<b>Gross Profit</b>	<b>14,159,479</b>	<b>14,538,494</b>	<b>(379,015)</b>	<b>-3%</b>	<b>20,440,379</b>	
<b>Capital Grants</b>						
Grants - Commonwealth Capital	149,837	150,000	(163)	0%	1,495,767	
Grants - Roads to Recovery	0	0	0	0%	854,579	
Grants - State Capital	524,099	150,000	374,099	249%	720,000	
<b>Total Capital Grants</b>	<b>673,936</b>	<b>300,000</b>	<b>373,936</b>	<b>125%</b>	<b>3,070,346</b>	2
<b>Other Non Operating Income</b>						
Net Gain/Loss on Disposal of Assets	11,977	0	11,977	0%	100,000	
<b>Total Other Non Operating Income</b>	<b>11,977</b>	<b>0</b>	<b>11,977</b>	<b>0%</b>	<b>100,000</b>	
<b>Total Non Operating Revenue</b>	<b>685,914</b>	<b>300,000</b>	<b>385,914</b>	<b>129%</b>	<b>3,170,346</b>	
<b>Operating Expenses</b>						
Employee Costs	884,805	1,048,821	(164,016)	-16%	6,511,003	3
Materials & Services	1,475,753	1,924,335	(448,582)	-23%	8,689,785	4
Interest	4,020	4,020	0	0%	143,732	
Depreciation	818,947	801,980	16,967	2%	4,811,927	
Other Expenses	35,710	49,036	(13,326)	-27%	294,210	
<b>Total Operating Expenses</b>	<b>3,219,236</b>	<b>3,828,192</b>	<b>(608,956)</b>	<b>-16%</b>	<b>20,450,657</b>	
<b>Operating Net Profit</b>	<b>10,940,243</b>	<b>10,710,302</b>	<b>229,941</b>	<b>2%</b>	<b>(10,278)</b>	
<b>Net Profit (Including Non Operating Revenue)</b>	<b>11,626,156</b>	<b>11,010,302</b>	<b>615,854</b>	<b>6%</b>	<b>3,160,068</b>	
<b>Work in Progress</b>						
Capital Work in Progress	1,091,726	0	1,091,726	0%	0	
<b>Total Work in Progress</b>	<b>1,091,726</b>	<b>0</b>	<b>1,091,726</b>	<b>0%</b>	<b>0</b>	

### Notes

- Operating grants are down \$379,000 (41%) on budget YTD, which primarily relates to receiving of the 24/25 Financial Assistance Grants in the prior financial year.
- Capital grants are \$374,000 higher than budget YTD, which is due to grant funds carried forward from the prior year.
- Employee costs are \$164k (16%) below budget YTD, which is predominantly due to timing of payments for workers comp insurance.
- Materials and services are \$449k (23%) below budget YTD, which relates to a combination of timing of some payments and some areas currently recording a lower level of spending than forecast for the YTD primarily related to strategic and grant funded projects.



**Balance Sheet**  
Break O'Day Council  
As at 31 August 2024

Account	31 Aug 2024	30 June 2024
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	3,842,121	4,725,768
Investments	14,000,000	9,500,000
Trade & Other Receivables	7,174,615	1,206,440
Inventory	76,962	78,421
Other Assets	2,838	2,838
<b>Total Current Assets</b>	<b>25,096,536</b>	<b>15,513,467</b>
<b>Non-current Assets</b>		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	227,570,900	228,385,548
Right of Use Asset	760,143	760,143
Intangible Assets	16,713	20,918
Investment in Water Corporation	35,744,578	35,744,578
Other Investments	30,000	30,000
<b>Total Non-current Assets</b>	<b>264,136,725</b>	<b>264,955,579</b>
Westpac Term Deposit	1,000,000	0
<b>Total Assets</b>	<b>290,233,261</b>	<b>280,469,046</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	1,407,256	1,114,574
Contract Liabilities	0	1,029,936
Lease Liability	58,498	58,498
Interest Bearing Loans & Borrowings	244,378	278,055
Provisions	885,062	885,062
Trust Funds and Deposits	561,769	561,053
<b>Total Current Liabilities</b>	<b>3,156,964</b>	<b>3,927,179</b>
<b>Non-current Liabilities</b>		
Lease Liabilities	701,645	701,645
Interest Bearing Loans & Borrowings	3,321,488	3,321,488
Provisions	558,261	558,261
<b>Total Non-current Liabilities</b>	<b>4,581,395</b>	<b>4,581,395</b>
<b>Total Liabilities</b>	<b>7,738,358</b>	<b>8,508,574</b>
<b>Net Assets</b>	<b>282,494,902</b>	<b>271,960,472</b>
<b>Equity</b>		
Accumulated Surplus	55,618,641	45,084,211
Reserves	226,876,262	226,876,262
<b>Total Equity</b>	<b>282,494,902</b>	<b>271,960,472</b>

## Statement of Cash Flows

Break O'Day Council

For the 2 months ended 31 August 2024

Account	YTD	2024
<b>Operating Activities</b>		
Receipts from customers	471,019	1,412,395
Receipts from rates	7,334,983	11,824,140
Receipts from Operational Grants	539,935	3,566,931
Contributions	38,354	264,095
Interest received	(129,927)	947,098
Dividends received	0	465,600
Payments to employees	(990,618)	(6,005,239)
Payments to suppliers	(1,550,474)	(7,655,770)
Finance Costs	(18,205)	(252,112)
Cash receipts from other operating activities	265,406	28,312
Cash payments from other operating activities	(2)	(2)
<b>Net Cash Flows from Operating Activities</b>	<b>5,960,470</b>	<b>4,595,449</b>
<b>Investing Activities</b>		
Payment for property, plant and equipment	(926,861)	(4,578,654)
Payment for investments	(5,500,000)	(884,134)
Capital Grants received	(384,000)	2,255,298
<b>Net Cash Flows from Investing Activities</b>	<b>(6,810,861)</b>	<b>(3,207,490)</b>
<b>Financing Activities</b>		
Proceeds of trust funds and deposits	420	(171,476)
Repayment of loans	(33,676)	(2,267,279)
Repayment of lease liabilities	0	(42,522)
<b>Net Cash Flows from Financing Activities</b>	<b>(33,256)</b>	<b>(2,481,276)</b>
<b>Net Cash Flows</b>	<b>(883,647)</b>	<b>(1,093,318)</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	4,725,768	5,819,086
Net change in cash for period	(883,647)	(1,093,318)
Cash and cash equivalents at end of period	3,842,121	4,725,768



Project Details	YTD @ 31/8/2024	Estimated Carried Forward 30/06/2024	New Budget Items	Budget Estimates 2024/2025
Lindsay Parade to Sunny Bank Close	-		30,000	30,000
Binalong Bay Footpaths internal thoroughfares	-		100,000	100,000
<b>Total Footpaths</b>	<b>12,192</b>		<b>160,000</b>	<b>160,000</b>
<b>Roads - Kerb &amp; Channel</b>				
<b>Total Kerb &amp; Channel</b>	-			
<b>Roads - Resheeting</b>				
24/25 Road Resheeting to be confirmed	-		510,000	510,000
<b>Total Resheeting</b>	-		<b>510,000</b>	<b>510,000</b>
<b>Roads - Reseals</b>				
St Marys - Story Street Esk Main Road to Groom Street	-	55,084		55,084
24/25 Reseals TBC	-		500,000	500,000
<b>Totals Reseals</b>	-	<b>55,084</b>	<b>500,000</b>	<b>555,084</b>
<b>Roads - Construction, Digouts &amp; Other</b>				
Digouts and road edge remediation to be allocated	141		250,000	250,000
Circassian/Medeas Sts Intersection	37,098			
Road Network - Sign Replacement	1,191		25,000	25,000
LRCI Program - Phase 4 Projects	-			
- LRCI 4: Rehabilitation of Alexander Street - Cornwall	205		300,000	300,000
- LRCI 4: Ansons Bay Road Sealing	205	223,438	126,562	350,000
- LRCI 4: Gray Road - Pathway Extension	75		50,000	50,000
Scamander Avenue - Pedestrian Footpath Improvements	4,893			
Sealing of Tasman Highway, Seymour LCRI4	205	-		
Shoulder Widening, St Columba Falls Rd - LCRI4	15,060			
Mangana Road - Rehabilitation/reconstruction	-	-	300,000	300,000
<b>Totals - Roads Construction, Digouts &amp; Other</b>	<b>59,074</b>	<b>223,438</b>	<b>1,051,562</b>	<b>1,275,000</b>
<b>Totals Roads &amp; Footpaths</b>	<b>85,303</b>	<b>366,022</b>	<b>2,221,562</b>	<b>2,587,584</b>
<b>Bridges</b>	-			
B2293 - Cecilia St	900	156,785		156,785
B7027 - Mathina Plains Road	-	40,000	10,000	50,000
Culvert 5539 - Mathinna Road	-	40,000		40,000
Lower Germantown Road B1675	3,134			
B1243 Binns Road	3,947			
B1245 Clelands Road	3,777			
B2809 - Argyle St - replacement	5,550		294,192	294,192
<b>Total Bridges</b>	<b>17,308</b>	<b>236,785</b>	<b>304,192</b>	<b>540,977</b>
<b>Stormwater</b>	-			
Minor stormwater Jobs	14,662		150,000	150,000
Treloggens Track Stormwater	95			
Osprey Drive	-	10,000		10,000
Beaumaris Ave to Tasman Highway SW pipe	-		30,000.00	30,000.00

Project Details	YTD @ 31/8/2024	Estimated Carried Forward 30/06/2024	New Budget Items	Budget Estimates 2024/2025
Penelope Street	300	76,002	16,479	92,481
Aulchs Lane, St Marys	-		80,000	80,000
Tully Street / Northern end of Cecilia St Stormwater System Upgrade	-		70,000	70,000
SD Victoria Street, Fingal	1,685			
<b>Total Stormwater</b>	<b>16,743</b>	<b>86,002</b>	<b>346,479</b>	<b>432,481</b>
	-			
<b>Waste Management</b>	-			
Ansons Bay WTS - Bulk Bin Loading Ramp Upgrade	-		30,000	30,000
Scamander WTS - Waste Compactor	-	10,000	50,000	60,000
Scamander WTS - Inert Landfill study	-	2,976	157,024	160,000
<b>Total Waste Management</b>	-	<b>12,976</b>	<b>237,024</b>	<b>250,000</b>
	-			
<b>Total Capital</b>	<b>1,091,726</b>	<b>1,697,327</b>	<b>5,193,571</b>	<b>6,890,898</b>



ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Visitor Information Report:**

- Main tourists this month were from VIC and QLD.
- Staff member attended quarterly TVIN meeting which was held in Ross and included a tour of the Female Factory, Ross Wool Centre and Museum, Riverview Motel and Richmond Bridge
- New staff member has started and another staff member has retired.
- Chamber of Commerce delivered us their new tourist map. Thank you for continuing to produce a map for us.

**The History Room Curator Report:**

- **Firearms Inspection:** Had 2 friendly officers in from Firearms Safety section of Tasmania Police in August. They checked that our display items met with regulations. There were 2 firearm items that require a gun safe for their safe storage and to meet legislation. These items were locked within the large compactus, but it was suggested that they be housed within a gun safe. Gun safes are now being priced and will be purchased and installed to house these 2 items.
- **St Helens District High School:** Oral Interviews were conducted within the museum for the school's celebrations in October. These were videoed by Simon Holme to make a DVD for the school. These occurred over 3 days (27/28/29 August 2024). St Helens History Room will also receive a copy for its archive.  
Worked with the school archivist, Karen Palmer in the Backroom, scanning images to share with the school.

- **Verschoye Collection:** A large donation from a local resident has been received into the St Helens History Room. An exhibition is currently being planned to display the pieces which will be 'The Earth Provides – A Retrospective'. This is a significant donation of mainly textiles and ceramics.
- **Governance Training:** Curator is currently undertaking this training through the National body of the Australian Society of Archivists as I have taken on a State position as Secretary. This is via ZOOM and is being facilitated by Not-for-Profit Training based in Canberra. There are 2 sessions of 3 hours each.
- **August Free Entry:** A total of 360 people visited the St Helens History Room during the month of August taking advantage of free entry for The Off Season campaign. A very good result and an activity worth keeping. Income obviously reflected this arrangement but comparatively still good for these winter months where visitation is normally low, as it is with income. Volunteer hours continue to be very stable with 145.75 hours being contributed, averaging out to 29.15 hours per week for the month of August 2024.
- **Skin Checks:** A number of volunteers are taking advantage of these sessions being provided by Council.

#### Statistics:

##### Door Counts

Month/Year	Visitor Numbers	Daily Average	History Room
August 2012	707	22.81	30
August 2013	779	25.13	30
August 2014	958	30.90	51
August 2015	961	31	38
August 2016	881	28.42	35
August 2017	843	27.19	37
August 2018	950	30.65	38
August 2019	737	23.77	38
August 2020	601	19.39	27
August 2021	769	24.81	269
August 2022	1046	33.74	347
August 2023	1494	48.19	401
August 2024	1369	44.16	360

##### Revenue 2023/2024

Month	VIC Sales	HR Entry	HR Donations/Sales
July	3,108.79	174.00	149.50
August	4,459.92	0	131.05
September	5,654.13	311.00	85.20
October	6,891.47	356.00	162.80
November	8,255.03	519.00	127.50
December	7,284.50	369.00	51.00
January	8,438.70	518.00	157.75
February	9,845.73	565.00	272.90
March	8,884.98	661.00	215.90
April	4,440.14	397.00	164.35
May	2,922.06	185.00	165.50
June	1,766.86	133.00	211.30

**Revenue 2024/2025**

Month	VIC Sales	HR Entry	HR Donations/Sales
July	3,418.19	150.00	91.20
August	3,740.70	0	177.55
September			
October			
November			
December			
January			
February			
March			
April			
May			
June			

**STRATEGIC PLAN & ANNUAL PLAN:**Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

**LEGISLATION & POLICIES:**

N/A

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority



<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Angela Matthews, Corporate Services Coordinator
<b>FILE REFERENCE</b>	002\024\007\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Draft Policy – LG20 Public Interest Disclosure Letter from the Ombudsman

**OFFICER’S RECOMMENDATION:**

That Policy LG30 Public Interest Disclosure be amended as recommended.

**INTRODUCTION:**

This policy has to be reviewed every three (3) years in line with requirements of the Ombudsman.

**PREVIOUS COUNCIL CONSIDERATION:**

Last amendment approved:  
17 May 2021 – **Minute No 05/21.13.4.110.**

**OFFICER’S REPORT:**

Notification was received from the Ombudsman dated the 26 July 2024 requesting a copy of Council’s Public Interest Disclosure procedures to be submitted for review by the 9 August 2024.

Following submission of Council’s policy and procedures the attached correspondence has been received dated 8 August 2024, advising that our current policy has been approved with some minor amendments which are outlined in the correspondence and have been updated within the policy.

However, the last suggestion with regard to establishing a separate email address for PID disclosures has not been undertaken as it is felt that those who have access to the admin email address are more than aware of their responsibility for privacy and confidentiality.

**STRATEGIC PLAN & ANNUAL PLAN:**Break O’Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.

**LEGISLATION & POLICIES:**

As listed above.

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority



## POLICY NO LG30 PUBLIC INTEREST DISCLOSURE POLICY

<b>DEPARTMENT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>LINK TO STRATEGIC PLAN:</b>	Continuously strive for quality, responsive customer service and enhancement of image of Council.
<b>STATUTORY AUTHORITY:</b>	Public Interest Disclosures Act 2002
<b>OBJECTIVE:</b>	The <i>Public Interest Disclosures Act 2002</i> commenced operation on 1 January 2004. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies. The Act provides protection to persons who make disclosures in accordance with the Act, and establishes a system for the matters disclosed to be investigated and rectifying action to be taken while providing all parties involved with natural justice.
<b>POLICY INFORMATION:</b>	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 17 March 2014 – Minute No 03/14.11.15.060 Amended 21 August 2014 – Minute No 08/14.11.8.233 Amended 19 April 2017 – Minute No 04/17.12.6.90 Amended 18 September 2017 – Minute No 09/17.12.7.210 Amended 17 May 2021 – Minute No 05/21.13.4.110

### POLICY

#### 1 STATEMENT OF SUPPORT

Break O'Day 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.

Break O'Day Council recognises the value of transparency and accountability in its administrative and management practices, it supports and encourages the making of disclosures that reveal the type of conduct at which the Act is directed.

Break O'Day 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 and provide for matters disclosed to be properly investigated and dealt with.

#### 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
- Break O'Day Council protects disclosers and affords procedural fairness 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. (see LG25 Grievance Policy, LG03 Councillors Code of Conduct Policy, LG35 Staff Code of Conduct Policy)

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

### 3 THE PURPOSE OF THE ACT

The Act commenced operation on 1 January 2004. It was substantially amended by the *Public Interest Disclosures Amendment Act 2009*, following a major review of the Act, and these procedures reflect those amendments. The amendments took effect on 1 October 2010.

The purposes of the Act are contained in its long title. These are:

- to encourage and facilitate disclosures of improper conduct by public officers and public bodies;
- to protect persons making those disclosures, and others, from detrimental action;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved in the disclosures with natural justice.

The public interest is served by providing an avenue for persons to report improper conduct and be protected for doing so.

### 4 HOW THE ACT WORKS

Briefly, the Act works in this way:

- it gives certain people – “public officers” and “contractors” – the right to make a disclosure about “improper conduct” or “detrimental action” to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);
- 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 protected disclosure which is found to be a 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 powers in this respect;
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it obliges 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 made to it under the Act, is at Attachment 4 to this document.

## 5 COMPARISON WITH THE INTEGRITY COMMISSION ACT

The Act and the *Integrity Commission Act 2009* (IC Act) work very differently.

Perhaps the most important difference is that the IC Act does not contain any provisions which protect a person who makes a complaint under that Act from detrimental action by way of reprisal. The provision of such protection is a key feature of the Act.

Other important differences are:

- the fact that anyone can make a complaint under the IC Act, whereas the right to make a disclosure under the Act is given only to a current public officer and a contractor;
- in the types of conduct to which the Act applies;<sup>1</sup> - the fact that a disclosure may be made under the Act about proposed conduct, whereas the IC Act only concerns past conduct;
- the fact that a disclosure under the Act may be oral, whereas a complaint under the IC Act must be in writing; and
- the different processes which each Act applies to a matter brought forward under it.

A person who is trying to decide which Act to proceed under should consider seeking legal advice on what is the best course for them to take.

It is possible for a disclosure which is made under the Act to be dealt with under the IC Act – see Part 4A of the Act.

## 6 ROLES AND RESPONSIBILITIES

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<sup>1</sup> The Act concerns “improper conduct”, which embraces “corrupt conduct”. The IC Act concerns “misconduct” only and it is unclear as to the extent to which corrupt conduct would be able to be investigated. The definitions of these expressions used in the two Acts do not align.





This part explains the roles and responsibilities of individuals within Break O'Day Council under the Act.

### **6.1 Members, officers and employees**

Members, officers and employees of Break O'Day Council are encouraged to report known or suspected incidences of improper conduct or detrimental action under the Act, in accordance with these procedures.

All members, officers and employees of the Break O'Day Council have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### **6.2 Principal Officer**

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by the Break O'Day 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 natural justice in the public body'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 Break O'Day Council's 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 many of his or her functions to a Public Interest Disclosure Officer.

### **6.3 Public Interest Disclosure Officer**

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act, and holds a delegation from the Principal Officer which enables him or her to exercise the statutory powers and functions given to the Principal Officer by the Act which are listed in their instrument of delegation.

These procedures frequently give responsibilities or functions to a Public Interest Disclosure Officer. Not all of these are referable to specific statutory powers or functions bestowed on the Principal Officer by the Act, and so some of them represent things which the Public Interest Disclosure Officer is expected to do on a purely administrative basis.

Subject to the terms of their delegation, the responsibilities of a Public Interest Disclosure Officer generally include:



- acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receiving any disclosure made orally or in writing (from internal and external disclosers);
- recording in writing the details of any disclosure which is made orally;
- impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");
- impartially assessing under s 33 of the Act whether a disclosure is a "public interest disclosure"; and
- taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential.

#### **6.4 Investigator**

Where the Break O'Day Council has determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a disclosed matter to Break O'Day 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 Break O'Day Council or a consultant engaged for that purpose.

#### **6.5 Welfare manager**

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

- examine the immediate welfare and protection needs of a person who has made a disclosure, and seek to foster a supportive work environment;
- advise the discloser of the legislative and administrative protections available to him or her;<sup>2</sup>
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person from within Break O'Day Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

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<sup>2</sup> See part 12 below for details of the legislative protections.





## **7 WHO CAN MAKE A DISCLOSURE?**

### **7.1 Public officers**

Any current public officer can make a disclosure to Break O'Day Council under the Act. This includes all employees and councillors of Break O'Day 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.

### **7.2 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 Break O'Day Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

### **7.3 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.

### **7.4 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.

## **8 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 Break O'Day Council as a whole or the Principal Officer of Break O'Day Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.



### 8.1 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;*

*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 building inspector tolerates poor practices and structural defects in the work of a leading local builder, giving rise to a risk to public health or safety.

### 8.2 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 public officer sells confidential information.

### 8.3 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.

## 9 WHERE TO MAKE A DISCLOSURE

**For the protections in the Act to apply, a disclosure must 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	Person to whom the disclosure may be made
a member, officer or employee of Break O'Day Council	that public body; or the Integrity Commission; or the Ombudsman
a councillor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
the Ombudsman	the Joint Standing Committee on Integrity



Officer or public body to which the disclosure relates	Person to whom the disclosure may be made
if the disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission
The Principal Officer of Break O'Day Council or Break O'Day Council as a whole	the Ombudsman; or the Integrity Commission

A contractor, or a member of the public under s7A of the Act, can only make a disclosure about a public body, so they must make it to the Ombudsman or the Integrity Commission.

## 10 HOW TO MAKE A DISCLOSURE

Public officers can make a disclosure about other public officers of Break O'Day Council orally or in writing to the following officers:

- The General Manager – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer.
- 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 32-34 Georges Bay Esplanade, St Helens or emailed to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au).
- A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.
- It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

### 10.1 Disclosure to persons within Break O'Day Council

Disclosures of improper conduct or detrimental action by a member, officer or employee of Break O'Day Council may be made to the following officers:

- the General Manager – who is the “Principal Officer” of the public body, within the terms of the Act; and
- a Public Interest Disclosure Officer.

Each person who holds or acts in any of the following positions within Break O'Day Council has been appointed by the Principal Officer to act as a Public Interest Disclosure Officer, and holds a delegation which enables them to receive public interest disclosures under the Act.

- Manager Corporate Services – Public Interest Disclosure Officer
- Manager Human Resources – Public Interest Disclosure Officer





Where a person is contemplating making a disclosure and is concerned about approaching the Principal Officer or a Public Interest Disclosure Officer in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

A disclosure about the Principal Officer or Break O'Day Council should be immediately referred to the Ombudsman or the Integrity Commission.

### **10.2 Disclosure to the Ombudsman**

A disclosure about improper conduct or detrimental action by Break O'Day Council or any of its members, officers or employees may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

The Ombudsman  
GPO Box 960  
HOBART TAS 7001

or at

Level 6, 86 Collins Street  
HOBART TAS 7000

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

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

Phone: 1800 001 170 (free call, though charges for mobile phones may apply)

### **10.3 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

Surrey House  
199 Macquarie Street  
HOBART TAS 7000

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

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

Phone: 1300 720 289



## 11 CONFIDENTIALITY

Break O'Day 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 Break O'Day 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.

## 12 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 Break O'Day 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.

### 12.1 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. If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

If the disclosure is from a contractor, a member of the public or about the Principal Officer or Break O'Day Council, it should be immediately referred to the Ombudsman or the Integrity Commission.

A file should be created for the disclosure, marked clearly as being a *Public Interest Disclosures Act 2002* matter





## **12.2 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.

## **12.3 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 Break O'Day 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.

## **12.4 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 Break O'Day 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.



### **12.5 Referral of the protected disclosure to the Ombudsman**

The Break O'Day Council may refer the investigation of a disclosed matter to the Ombudsman if it considers that its own investigation is being obstructed or it is otherwise not within the capacity of Break O'Day Council to complete the investigation.

### **12.6 Referral of a protected disclosure to the Integrity Commission**

The Break O'Day 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.

Break O'Day 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.

### **12.7 Referral of criminal conduct to the Police**

It is possible that, before or during an investigation, facts are uncovered that reveal the possibility of a criminal offence. If this happens, the Break O'Day Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future of the matter. Under section 41 of the Act, the Ombudsman has the power to refer a disclosed matter to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, the Break O'Day 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. Referral to the police 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 of Police through the Ombudsman, the investigation under the Act ceases. However, there may still be administrative or operational issues which have been identified during the disclosure process or investigation that should be dealt with under other internal processes of the Break O'Day 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.



## **12.8 Further assessment - Is the disclosure a public interest disclosure?**

Where the Principal Officer or Public Interest Disclosure Officer has received a disclosure that has been assessed to be a protected disclosure, the Principal Officer or Public Interest Disclosure Officer must make a determination under s 33 of the Act as to whether the disclosure is a public interest disclosure. This assessment must be made within forty five (45) days of the receipt of the disclosure. (Use the Assessment of disclosure form at Attachment 1)

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 his or her capacity as a public officer, or
- has 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, he or she must: -

- advise the Principal Officer (if not the person receiving the disclosure);
- notify the Ombudsman within fourteen (14) days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within fourteen (14) days of the decision (unless it is an anonymous disclosure 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, he or she must: -

- advise the Principal Officer (if not the person receiving the disclosure);
- notify the Ombudsman within fourteen (14) days of the decision using the notification template at attachment 3; and
- notify the person making the disclosure within fourteen (14) days of the decision (unless it is an anonymous disclosure and uncontactable) – see s 35.

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

If, on review of the matter, the Ombudsman decides that the disclosure is not a public interest disclosure, the matter 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.

## **13 PROTECTION**

### **13.1 When does protection commence?**

Where Break O'Day 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.

### **13.2 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.



## **14 14 INVESTIGATION**

### **14.1 Introduction**

Any disclosure Break O'Day 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.

Break O'Day 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.

### **14.2 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.



### **14.3 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. As earlier indicated, this may be an officer within the Break O'Day Council or an external consultant.

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 (6) 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 (6) months, Break O'Day Council may apply to the Ombudsman for an extension of up to a further six (6) months

### **14.4 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 in 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.

### **14.5 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 sometimes referred to as natural justice under 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.

The Break O'Day 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 is reasonable ground for apprehending or suspecting bias.<sup>3</sup>

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

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

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

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

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

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.

#### **14.6 Conduct of the investigation**

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector 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 consideration should be given to the desirability of audiotaping significant interviews with witnesses

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.

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<sup>3</sup>The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.





#### **14.7 Referral of an investigation to the Ombudsman**

Under s 68 of the Act, a public body may refer the investigation of a disclosed matter 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.

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

See also part 11.3.3, concerning referral of an investigation to the Ombudsman, with a view to referral by the Ombudsman to the Commissioner of Police of suspected criminal conduct.

#### **14.8 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 a protected disclosure and an investigation.

The Principal Officer must report to the Ombudsman about the progress of an 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.

However, as provided in s 74(3), 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.

### **15 ACTION TAKEN AFTER AN INVESTIGATION**

#### **15.1 Investigator's final report**

At the conclusion of the investigation, the investigator must submit a written report of his or her 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 procedural fairness 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 in the matter and their defence is fairly set out in the report (see part 13.5 of these procedures).



With a view to potential action by the public body under s 75 of the Act, if the investigator has found that conduct disclosed by the discloser has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Break O'Day Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Break O'Day 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, and referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute a criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police, unless this has previously occurred.

The report must be accompanied by:

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

The report must not disclose particulars likely to lead to the identification of the discloser under s 23(2).

## **15.2 Action to be taken**

If the Principal Officer is satisfied that the conduct which was the subject of the investigation has occurred, he or she must consider the recommendations in the investigator's report and decide upon the steps which are to be taken to prevent the conduct from continuing or occurring in the future under s 75(1)(a). Again taking into consideration any recommendations in the investigator's report, the Principal Officer must also consider whether any action should be taken to remedy any harm or loss arising from the conduct under s 75(1)(b).

Where the Public Interest Disclosure Officer is responsible for the progress of the investigation and is satisfied that the disclosed conduct has occurred, he or she will recommend to the Principal Officer the action that must be taken.

The Principal Officer will provide a written report to either the Minister for Local Government or Break O'Day Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report these findings to the Ombudsman and to the discloser.

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 the findings made.



## **16 MANAGING THE WELFARE OF THE DISCLOSER**

### **16.1 Commitment to protecting disclosers**

The Break O'Day Council is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of protected disclosures. The Principal Officer is responsible for ensuring that disclosers and witnesses are protected from detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

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 (5) working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five (5) working days after being appointed. The Welfare Office will also provide advice about what the discloser should do if they believe that a colleague/s or a relative/s is being subjected to detrimental action. The advice will include what level of information it is necessary for them to provide.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure (s 19). The maximum penalty is a fine of 240 penalty units or two years imprisonment, or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

A discloser who believes that they are being subjected to detrimental action should report it to the Principal Officer or a Public Interest Disclosure Officer. If they believe that the reprisal is not being effectively dealt with by the Break O'Day Council, they may report the matter to the Ombudsman. A report of detrimental action may qualify as a protected disclosure under the Act.

### **16.2 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 his or her 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 the Break O'Day Council to address any improper conduct that has been found to have occurred.

The discloser must be given reasons for all decisions made by the Break O'Day Council in relation to a disclosure. All communication with the discloser must be in plain English.

### **16.3 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 must:

- record details of the incident;
- advise the discloser of his or her rights under the Act; and
- advise the Principal Officer of the detrimental action.





The taking of detrimental action in reprisal for the making of a disclosure can be an offence against 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.

#### **16.4 Discloser implicated in improper conduct**

Where a person who makes a disclosure is implicated in misconduct, the Break O'Day 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 the Break O'Day 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 his or her 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 causally connected to 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.

#### **17 MANAGEMENT OF THE PERSON AGAINST WHOM A DISCLOSURE HAS BEEN MADE**

Break O'Day 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.



Break O'Day 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 Break O'Day 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.

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

## **18 OFFENCES**

The Break O'Day Council will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- Section 19(1)  
This provision makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The section provides for a maximum penalty of a fine of 240 penalty units or two years imprisonment, or both.
- Section 23(1)  
This provision makes it an offence for a person to disclose, except under specified circumstances, information which they have obtained or received in the course of or as a result of a protected disclosure or the investigation of a disclosed matter under the Act. The section provides for a maximum penalty of 60 penalty units or six months imprisonment, or both.
- Section 54  
This section creates various offences relating to obstructing the work of the Ombudsman under the Act, including offences relating to misleading the Ombudsman. The section provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.
- Section 87(1)  
This provision makes it an offence for a person to knowingly provide false information under the Act to certain officers (including the Ombudsman) with the intention that it be acted on as a disclosed matter. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.
- Section 87(2)  
This section makes it an offence for a person to knowingly provide false information to a person conducting an investigation under the Act. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.



The value of a penalty unit varies from time to time in accordance with movements in the Consumer Price Index. For more information, see the Department of Justice website.

## **19 APPROVAL AND REVIEW OF THESE PROCEDURES**

These procedures were approved by the Ombudsman under s 60(3) of the Act on 29 March 2021.

The procedures will be submitted to the Ombudsman for review at least once in each three (3) year period 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) of the Act.



## 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:**



## 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)*

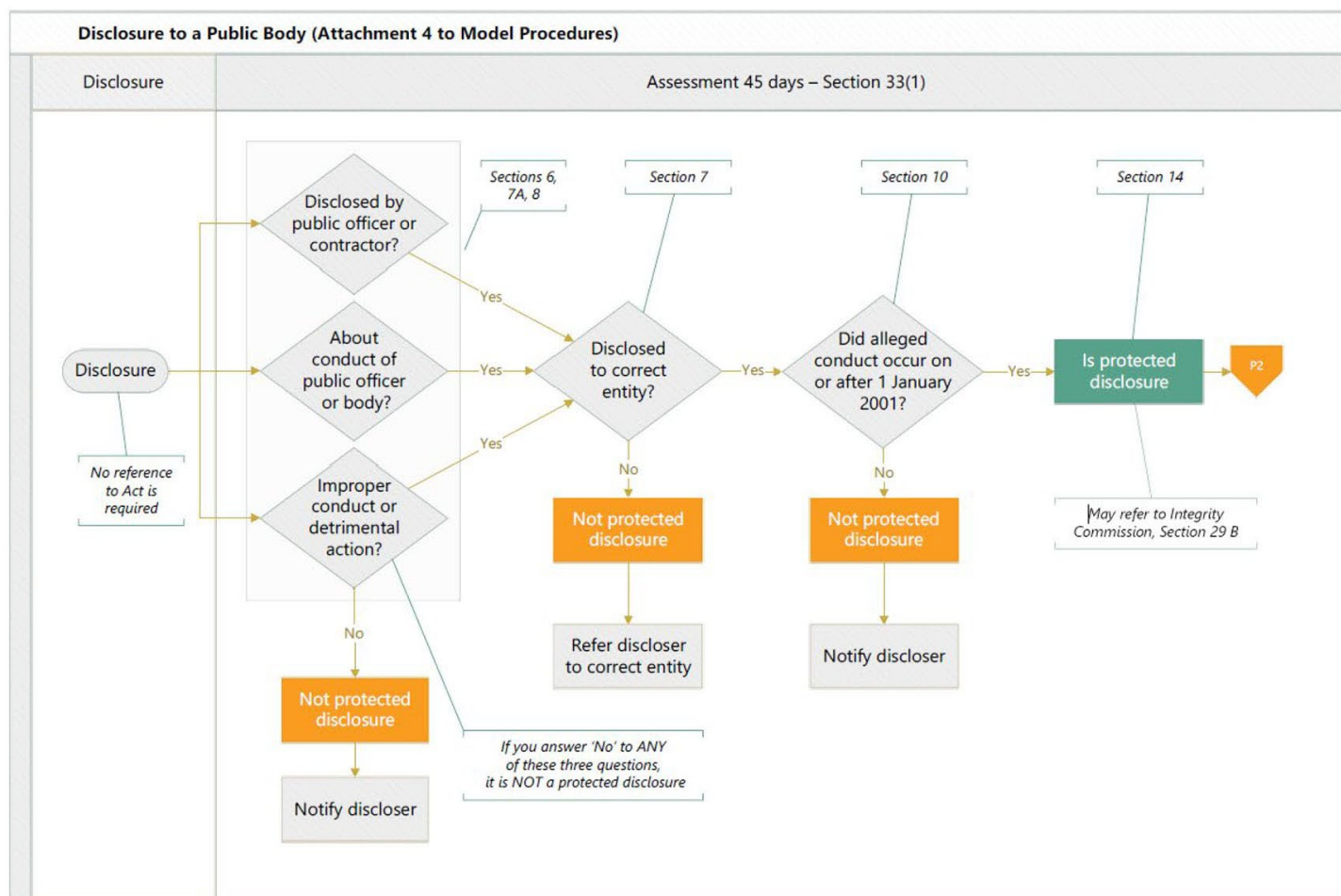
**Date of notification:**

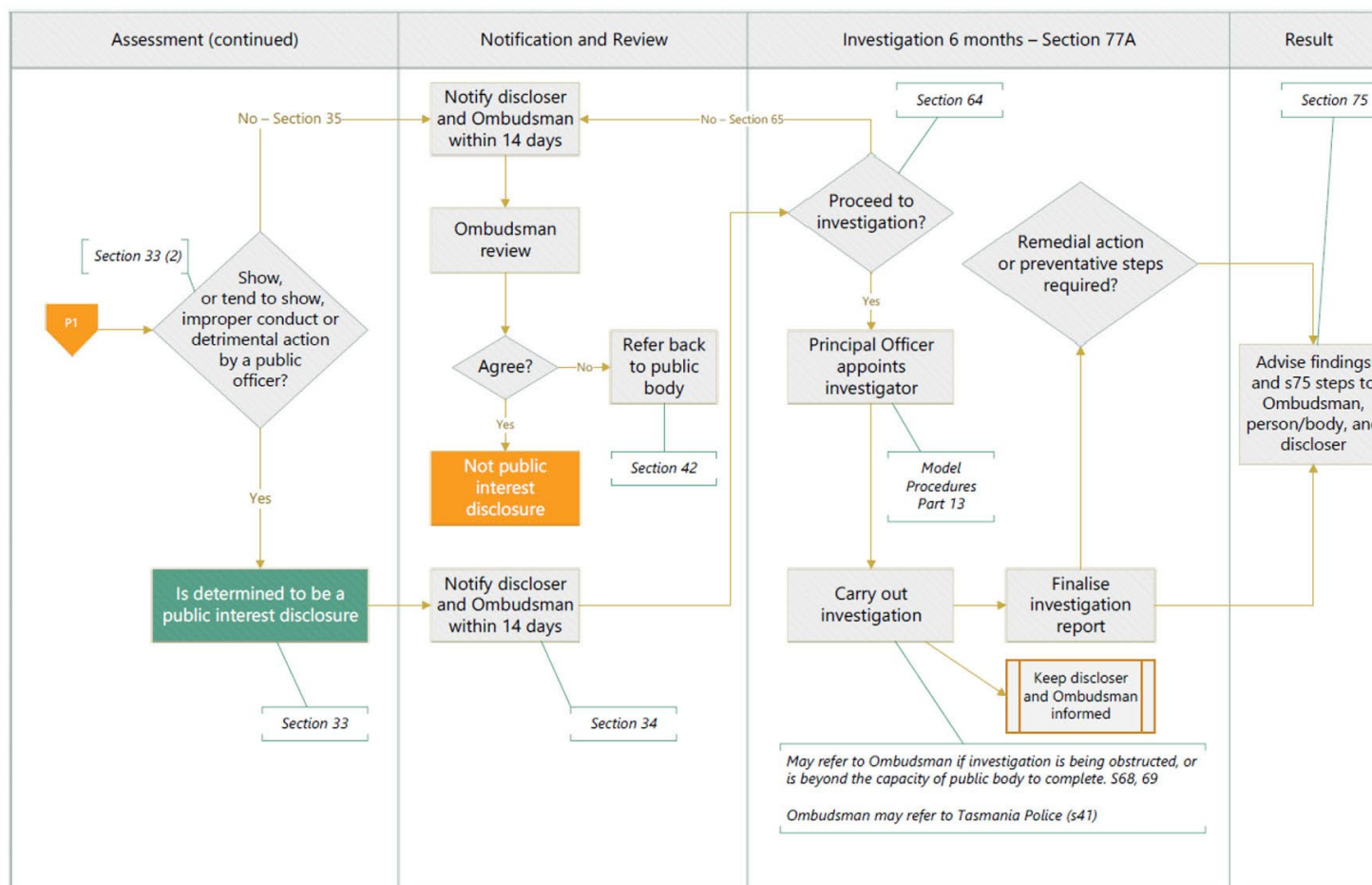
### Notification type

- ☐ 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):







## Ombudsman Tasmania

Level 6, 86 Collins Street, Hobart  
GPO Box 960, Hobart Tas 7001  
Phone: 1800 001 170  
Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)  
Web: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)



8 August 2024

Mr John Brown  
General Manager  
Break O'Day Council

By email: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

Dear Mr Brown,

### Public Interest Disclosure procedures approval – 2024 review

Thank you for forwarding a copy of Break O'Day Council's draft *Public Interest Disclosure Policy* for my review.

I approve the procedures, subject to the comments below. Please note that the procedures need to be reviewed in three years' time, and diarise this date accordingly. The date of this letter and the due date for review should be inserted in Section 19 on page 24 of your procedures.

- In Section 6.2, 6.4 and 6.5, references to "the public body" should be replaced with Break O'Day Council for consistency.
- Please add to Section 6.5 the following bolded line '*A welfare manager may be a person from within **Break O 'Day Council** or a consultant engaged for that purpose. **They must not be responsible for assessing or investigating the disclosure***'.
- Under section 7.1, the wording in italics can be incorporated into the paragraph in normal text. It is italicised in the Ombudsman's model procedures because it is given as an example.
- Under section 9, consider including in the table:

The Principal Officer of Break O'Day Council	the Ombudsman; or
or Break O'Day Council as a whole	the Integrity Commission

- Under Section 12.5:
  - Please amend the first paragraph to read:  
  
*The Break O'Day Council may refer the investigation of a disclosed matter to the Ombudsman if it considers that its own investigation is being obstructed or it is otherwise not within the capacity of Break O'Day to complete the investigation.*
  - Please delete the rest of section 12.5 in its entirety as the contents as drafted are not in accordance with the PID Act, and are contrary to the Ombudsman's model procedures.

I note that disclosures currently can be made to Break O'Day Council via email to [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au). I would recommend that Break O'Day Council look at establishing a separate email address for PID disclosures, so that access is able to be limited to PID officers and the Principal Officer. This would assist in maintaining confidentiality.

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

Yours sincerely



Richard Connock  
**OMBUDSMAN**

ACTION	DECISION
PROPONENT	Officer
OFFICER	Angela Matthews, Corporate Services Coordinator
FILE REFERENCE	6413332
ASSOCIATED REPORTS AND DOCUMENTS	Request from Ratepayer – Malahide Golf Club Inc

**OFFICER'S RECOMMENDATION:**

That Council, in accordance with the provisions of s.129 of the *Local Government Act 1993*, **approve a remission** as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

**INTRODUCTION:**

Council has received correspondence from Malahide Golf Club requesting a remission for the 2024/2025 General rate. A request from the Malahide Golf Club is required annually to remit this levy.

**PREVIOUS COUNCIL CONSIDERATION:**

Remission of the general rate upon application has been previously granted annually from 2015/2016.

**OFFICER'S REPORT:**

The Secretary of the Malahide Golf Club has written requesting a remission of the general rate due to the Club struggling to meet their financial needs. There is course upkeep, maintenance, renovations and clubhouse maintenance, which is undertaken as much as possible by volunteers.

A remission has previously been approved for the general rate from 2015/2016 due to financial hardship. The Club endeavours to keep the facility up and running as a benefit to Fingal and neighbouring communities by providing recreational and social options. However, due to limited membership the Club continues to experience financial difficulties.

No additional financial reports or information has been provided.

Council's Rate Remissions and Exemptions Policy LG011 allows for the option of remitting the general rate, if Council believes that the property provides a community benefit.

**STRATEGIC PLAN & ANNUAL PLAN:**

N/A

#### **LEGISLATION & POLICIES:**

Section 129 of the *Local Government Act 1993*  
Rate Remissions and Exemptions Policy LG011

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

An amount of \$796.86 to rates remissions.

#### **VOTING REQUIREMENTS:**

Absolute Majority

*Malahide Golf Club Inc.*

ABN 80 746 243 303

*14 Mangana Rd, Fingal Tasmania 7214*

*P. O. Box 31, Fingal 7214*



Malahide Golf Club Inc.

ABN: 80 746 243 303

14 Mangana Rd, Fingal Tasmania 7214

PO Box 31, Fingal - TAS 7214



26/8/24

The General Manager  
Break O'Day Council  
32-34 Georges Bay Esplanade  
ST HELENS TAS 7216

**Request for Remission - Council Rates – 2024/2025**

Dear Mr Brown

I write on behalf of the Malahide Golf Club to seek a remission from the Annual Rates as specified in the Notice sent to the Club dated 10/07/24 – Property Number 6413332.

As you know, the Malahide Golf Club is a purely voluntary body which exists solely for the purpose of recreation. We operate on the membership fees paid by our small group of members and the takings from our bar from fund raising and special events. We do not employ any staff and the course is maintained purely by our dedicated but ageing group of volunteers. We do not receive any Council support for capital or other works to maintain the course.

Our own funds are not great and the costs of maintaining the course continue to grow. We are not capable of significant investment in course upgrades and can struggle to meet the cost of unanticipated events. We maintain very a cautious approach to managing our finances to ensure our club can continue to exist.

We are doing our best to promote the Club and the sport of golf and seek new members. We recently hosted our second Champion of the Fabulous Fingal Valley tournament in conjunction with the St Marys Golf Club that attracted players from across the region. We also provide a social and community centre for the Fingal and surrounding area through our regular Friday night and special functions.

We have received a remission in the past four years and ask that Council looks favourably on our request this year.

Please feel free to contact me if you require further information.

Rod Hunt

Hon Secretary, Malahide Golf Club

0428 998 144 [rodhunt@netspace.net.au](mailto:rodhunt@netspace.net.au)



ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report provides a summary of details relating to Works Operations and Capital Projects for the reporting period of 1 August to 5 September 2024.

**PREVIOUS COUNCIL CONSIDERATION:****Council Meeting 19 August 2024**

At the August Meeting when discussing the consultation process for the Cecilia Streetscape redevelopment, the Infrastructure Manager incorrectly relayed the engagement process. The engagement for this process was directly targeted at nine impacted business owners. This was done by sending the businesses a letter which contained a QR Link to an online survey.

**OFFICER'S REPORT:****Works Operations – General**

<b>Boat Ramps</b>	Monthly inspections and cleaning undertaken.
<b>Bridge 422 – Evercreech Rd (Fire damage)</b>	BridgePro has been engaged to undertaker repair. Repairs are scheduled for late spring 2024.
<b>Stormwater &amp; Drainage</b>	<ul style="list-style-type: none"> <li>St Helens Point Road – Aerodrome hill kerb and channel cleared of storm debris – August storm.</li> <li>Ansons Bay Road – culvert washout addressed.</li> <li>Wrinklers Drive detention basin – sediment removal and treatment of invasive plant species, including agapanthus planted at the site, to prevent spreading into the lagoon.</li> </ul>
<b>Road Network</b>	<ul style="list-style-type: none"> <li>Grading at Ansons Bay Road, Upper Scamander Road and Forest Lodge Road, including</li> <li>Guidepost and traffic sign replacements.</li> </ul>
<b>Town &amp; Parks</b>	<ul style="list-style-type: none"> <li>Mowing/ground maintenance.</li> <li>Garden/tree maintenance and weeding.</li> </ul>



	<ul style="list-style-type: none"> <li>• Footpath maintenance and repairs.</li> <li>• Routine playground inspections.</li> </ul>
<b>MTB</b>	<ul style="list-style-type: none"> <li>• Routine track maintenance.</li> </ul>

## STORM EVENT 31 AUGUST TO 02 SEPTEMBER 2024

The recent storm primarily resulted in trees falling across the municipal road network, parks, and reserves, damaging some infrastructure. Council and contractor resources are being utilised for clean-up activity, which will take several weeks. Our priority within the first week of the clean-up phase has been to reopen roads, which has involved cutting fallen trees and pushing debris to the road verges for later collection. Damage estimates will be made available at the September Council meeting. The main parts of the road network impacted by the storm events are listed for information.

Anchor Road	Road cleared 3 September
Argonaut Road	Road cleared 3 September
Canhams Road	Road cleared 3 September
Curtis Road	Road cleared 2 September
Evercreech Road	Council section reopened on 4 September. Bridge 1251 has been damaged by a tree fall impacting crash barrier. Engineering advice being sought as to extent of damage and repair cost.
Forest Lodge Road at Intake bridge	Intake road being cleared at 5 September, Engineer checking landslip. Road closure decision pending engineering report.
Gardens Road	Fallen trees removed 2 September
Kennel Hill Road	Flood water subsided and road reopened on 3 September – no damage
Lehner's Ridge Road	Reopened 3 September
Lottah Road	Road cleared – debris and drain clearing occurring 5 September.
Mathinna Plains Road	Road was reopened on 4 September with a 60kph speed limit imposed on the sealed road segment.
McKercher's Road	Reopened after local fire brigade cut trees over the road. Northern end is being cleared on 5 September.
North Forest Lodge Road	Road open, drain clearing in progress.
Poimena Road	Reopened 4 September
Poseidon Street	Fallen trees removed 2 September
Powers Road	Fallen trees overhanging the road – to be addresses as resources become available. Road users must exercise caution.
Priory Road	Bridge barrier damaged by tree debris. Engineering advice being sought as to the extent of the damage and repair cost.
Reids Road	Road cleared on 2 September
Roses Tier Road	Roses Tier Road - At 5 September – road remains closed.
St Columba Falls Road	Road cleared 4 September
Treloggens Track, St Helens	Reopened 2 September
Terryvale Road	Trees to be removed

Tyne Road	Reopened – minor damage to parts of the road pavement due to localised flooding
Upper Esk Road	Re-opened after local fire brigade cut trees over the road. There is a substantial quantity of tree debris on the road verge yet to be removed.
William St - Weldborough	Fallen tree on road, but passable – to be addressed as soon as resources permit.

Other areas impacted by fallen trees, tree debris.	Not limited to: Aerodrome Road, Beauty Bar carpark, Binalong Bay Carpark, Lindsay Parade walkway, Lions Park, O’Conner’s Beach, Osprey Drive, St Helens Dog Park, St Helens Foreshore shared pathway, St Helens Recreation Ground, Stiglitz foreshore area, Tully Street.
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## WEED OFFICER REPORT

The Weed Control Officer was on leave during August. The contractor sprayer addressed Spanish Heath growth at Lawry Heights.

## Waste Management – General Information

Municipal Bulk Waste to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	YTD
2024/25 (T)	222	TBA											222
2023/24 (T)	187	232	224	214	240	274	361	233	228	301	222	185	2,901
Difference	35												

Kerbside Recyclables Collection – JJ’s Waste service													
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD
2024/25 (T)	TBA	TBA											
2023/24 (T)	49	45	49	38	45	58	55	50	57	47	54	50	597
Difference													

Note: Recyclable quantities are not currently available. We are waiting on details from Veolia.

## Hazardous Waste Collection

The Hazardous Waste Collection program is coordinated through the Northern Tasmanian Waste Management Partnership. It enables these types of waste to be dropped at various waste transfer stations across the northern region, including the St Helens Waste Transfer Station in the case of Break O’Day.

The scheduled collection dates and times at the St Helens Waste Transfer Station are as follows:

- 2 November 2024 between 1:30 pm and 4:00 pm
- 15 March 2025 between 1:30 pm and 4:00 pm.

Further information will be forthcoming and widely advertised. Disposal of hazardous waste is free.

## Waste Stewardship Programs

Through the Northern Tasmanian Waste Management Partnership, the Council has arranged for EcoCycle to collect silage containers for mixed household batteries and fluoro light tubes and place them at the St Helens Waste Transfer Station. These containers are expected to be available for use by September 2024.

Once implemented, Customers can drop these items off at other Waste Transfer Stations, except for Weldborough, which remains a drop-off point for general waste only. The items will be taken to the silage containers at St Helens for periodic collection.

## CAPITAL WORKS

Activity	Update
Medea St/Circassian St Junction Upgrade	In-progress - under construction.
Storm water – Penelope Street	In-progress. Materials purchased. Installation deferred to Spring 2024 pending improved ground conditions.
Scamander Footpath - LRCI Round 4	In-progress with works largely completed. Some additional minor works. Works include upgrade of footpath segments and installation of new pedestrian crossovers. The project is a Local Roads and Community Infrastructure-Phase 4 fully funded project.
Bridge 2293 – Cecilia Street	In-progress. Design completed and precast superstructure components have been fabricated. On-site works deferred to Spring.
Bridge 1675 – Lower German Town Road	In-progress. Design completed and precast superstructure components have been fabricated. On-site works deferred until post completion of Medea St/Circassian St Junction Upgrade.
Bridge 1243 – Binns Road	Completed
Bridge 1245 – Clelands Road	Completed
Bridge 2809 Argyle Street, Mangana	Tender advertised – closing date 5 <sup>th</sup> October 2024.
Scamander WTS – Waste Compactor	In-progress. NPV analysis for replacement options have been prepared and information presented for Councillor information and discussion at the September 2024 Councillor Workshop.
Scamander Inert Landfill Development	Tender awarded to GHD Pty Ltd for Detailed Design.
2024-2025 Road Resealing	Tender closed on 30 August 2024. Tender Panel reviewing tender submissions and will prepare

a report to Council for the September 2024 Council meeting.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

##### Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

#### **LEGISLATION & POLICIES:**

N/A

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report aims to provide Councillors with summary statistics related to Dog Control for August 2024.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:**

Dog control – activity summary

**Dog Registrations**

Item	YTD <sup>(1)</sup> Aug 2024	YTD <sup>(1)</sup> Aug 2023
Dogs Registered	1,181	1,328
Dog registrations pending	250	219
<b>Total</b>	<b>1,431</b>	<b>1,547</b>
<b>Dogs – Registered</b>	<b>82%</b>	<b>85%</b>

Note <sup>(1)</sup> YTD refers to the current month of financial year 1 July to 30 June.

## General Information

### Part B: Statistics

Category/Area	Binalong Bay, The Gardens, Ansons	Fingal, Mathinna Mangana	Falmouth, 4 Mile Ck	Seymour, Denison	Beaumaris, Diana Basin	Scamander	St Helens, Stieglitz Pyengana	St Marys, Cornwall	PERIOD Total	2024- 2025  YTD
Dog - Attack on a person (Serious)									0	0
Dog - Attack on another animal									0	0
Dog – Attack on another animal									0	0
Dog – Attack on a person (Minor)									0	0
Dog - Declared Dangerous									0	0
Dog - Dangerous Dogs Euthanised									0	0
Dog - Barking					1			1	2	7
Dog - Chasing a person		1							1	1
Dog - Impounded							1		1	1
Dog - in Prohibited Area									0	2
Dog - Lost Dogs Reported							1		1	1
Dog - Rehomed									0	0
Dog - Wandering/at large	1						1		2	5
Verbal Warnings						1			1	5
Notice Issued - Unregistered Dog							1		1	1
Notice Issued - Caution Notice									0	0
Notice Issued - Infringement Notice									0	0
Infringement Notice - Disputes									0	2
Infringement Notice - Revoked									0	0
Written Letter - Various matters to Dog					1		1		2	8
Patrols - Township/Urban Areas	1				3	1	3	3	11	22
Patrols - Beaches/Foreshore	1				2	2	2		7	18
Kennel Licence - Issued					1				1	1
Other - Cat complaints									0	0
Other – Livestock & Poultry	1								1	1
Other - RSPCA intervention									0	0
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>31</b>	<b>75</b>



## STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

### Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

## LEGISLATION & POLICIES:

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	Phasing out Problematic Single-Use Plastics in Tasmania.pdf Council Policy No AM21 Single Use Plastics Policy.pdf

**OFFICER'S RECOMMENDATION:**

That Councils Manager Infrastructure & Development Services compile Councillor and officer feedback including comment on the likely implementation challenges and submit to LGAT by the required deadline of Monday 23 September 2024.

**INTRODUCTION:**

The Policy Director of the Local Government Association of Tasmania (LGAT) has written to Local Government General Managers / CEOs and Waste Managers, seeking input on the State Government's single use plastics phase-out with the release of a discussion paper last week (attached).

Phasing out of problematic single use plastics has been an important issue for the sector with the passing of resolutions of at LGAT's General Meetings in 2018 and 2019.

The current consultation is focused on the specific items to be 'phased out', the impacts of the phase-out and what support may be needed for the community and for businesses. Local government is noted in the discussion paper as perhaps having a role in providing information (page 26). It is silent on how the phase-out will be implemented, and in particular the State Government's expectations of local government in this. Consultation is open until 1 October 2024.

LGAT is requesting council feedback and input on the discussion paper, as well as likely implementation challenges and risks by Monday 23 September 2024.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Workshop 2 September 2024

**OFFICER'S REPORT:****The Discussion Paper**

This initial consultation by the Tasmanian Government is seeking community input to better understand how restricting access to some single-use plastic items will impact Tasmanians, and how items should be phased out over the next few years.

With a stated purpose of achieving the best outcomes for Tasmania in phasing out certain single-use plastic items, this consultation invites feedback on the following:

- The impacts of a phase out for manufacturers, suppliers and businesses that sell and supply certain single-use plastics.
- The impacts of a phase out for the community, particularly those who rely on single-use plastic items as a part of daily life, such as those with certain disabilities and/or medical conditions.
- In what ways our community is already living more sustainably to reduce plastic waste.
- What support Tasmanians and businesses will need when phasing out single-use plastics.
- The alternative items or practices available to replace or avoid phased out single-use plastic items.

The paper provides a level of information and context to this commitment to phasing out single-use plastics in Tasmania. More information about the phase out of single-use plastics is available at <https://nre.tas.gov.au/environment/problematic-single-use-plastics>.

Feedback will inform the development of legislation that will establish a state-wide ban on the commercial sale and supply of specific single-use plastic items and materials.

There is a survey that can be accessed on <https://nre.tas.gov.au/plastics-feedback> to guide a response. Survey questions are also displayed on page 28 of the Paper.

The phase out of single-use plastics in Tasmania is proposed to occur across two stages initially, with stage one commencing when the new laws first take effect. Future stages are anticipated to commence around two years after the initial phase out.

Stage 1	
<ul style="list-style-type: none"> <li>• Drinking straws</li> <li>• Beverage stirrers</li> <li>• Single-use cutlery</li> <li>• Single-use bowls (lidded and unlidded)</li> <li>• Single-use plates</li> <li>• Single-use food containers</li> <li>• Single-use cups, lids and accessories</li> <li>• EPS loose-fill packaging</li> <li>• EPS moulded packaging</li> <li>• Microbeads</li> </ul>	<ul style="list-style-type: none"> <li>• EPS fruit and vegetable trays</li> <li>• Plastics shopping bags (&gt;35 microns thickness)</li> <li>• Barrier and produce bags</li> <li>• Balloon sticks and ties</li> <li>• Cotton buds</li> <li>• Pizza saver</li> <li>• Lollipop sticks</li> <li>• Plastic confetti</li> <li>• Plastic bread tags</li> </ul>
Stage 2	
<ul style="list-style-type: none"> <li>• Plastic-lined noodle boxes</li> <li>• Fruit stickers</li> <li>• Plastic soy sauce packets</li> </ul>	<ul style="list-style-type: none"> <li>• Condiment sachet/packets</li> <li>• Pre-packaged and attached items</li> <li>• EPS multi-service gelato containers</li> </ul>
Plastic Materials	
<i>The following materials applicable to items listed above are recommended for banning:</i>	
<ul style="list-style-type: none"> <li>• Conventional plastic</li> <li>• Degradable plastic (fragmentable or oxo-degradable)</li> <li>• Biodegradable plastic made mostly from fossil fuels</li> </ul>	<ul style="list-style-type: none"> <li>• Expanded polystyrene (EPS)</li> <li>• Expanded polyethylene</li> <li>• Expanded bioplastics</li> <li>• Non-certified AS 5810-2010 or AS 4736-2006 compostable packaging</li> </ul>

### Council Policy No AM21 Single Use Plastics Policy

The current Policy is limited to the non-use of single use plastics at both sponsored and non-sponsored events in Council operated buildings or land from 1 January 2023. The policy is partly aligned with the intent of the Paper (Stage 1 plastics) in terms of single use plastics items used for food and beverage purposes only. Councils Policy does not address problematic plastics in the context of addressing the broader environmental, social and economic issues associated with increased plastics production and use.

### Responding to LGAT

It is proposed that the Manager Infrastructure & Development Services compile Councillor and Officer Feedback including comment on the likely implementation challenges and risks by Wednesday 18 September. This will allow the circulation of a consolidated response to Councillors for final review and comment prior to returning to LGAT by Monday 23 September 2024.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

#### Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
2. Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
3. Develop and maintain infrastructure assets in line with affordable long-term strategies.

#### *Key Focus Area:*

Waste Management – provide access to affordable services and facilities that foster a circular economy approach to Waste Management.

## LEGISLATION & POLICIES:

- Waste

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

# Phasing out Problematic Single-Use Plastics in Tasmania

## Discussion Paper



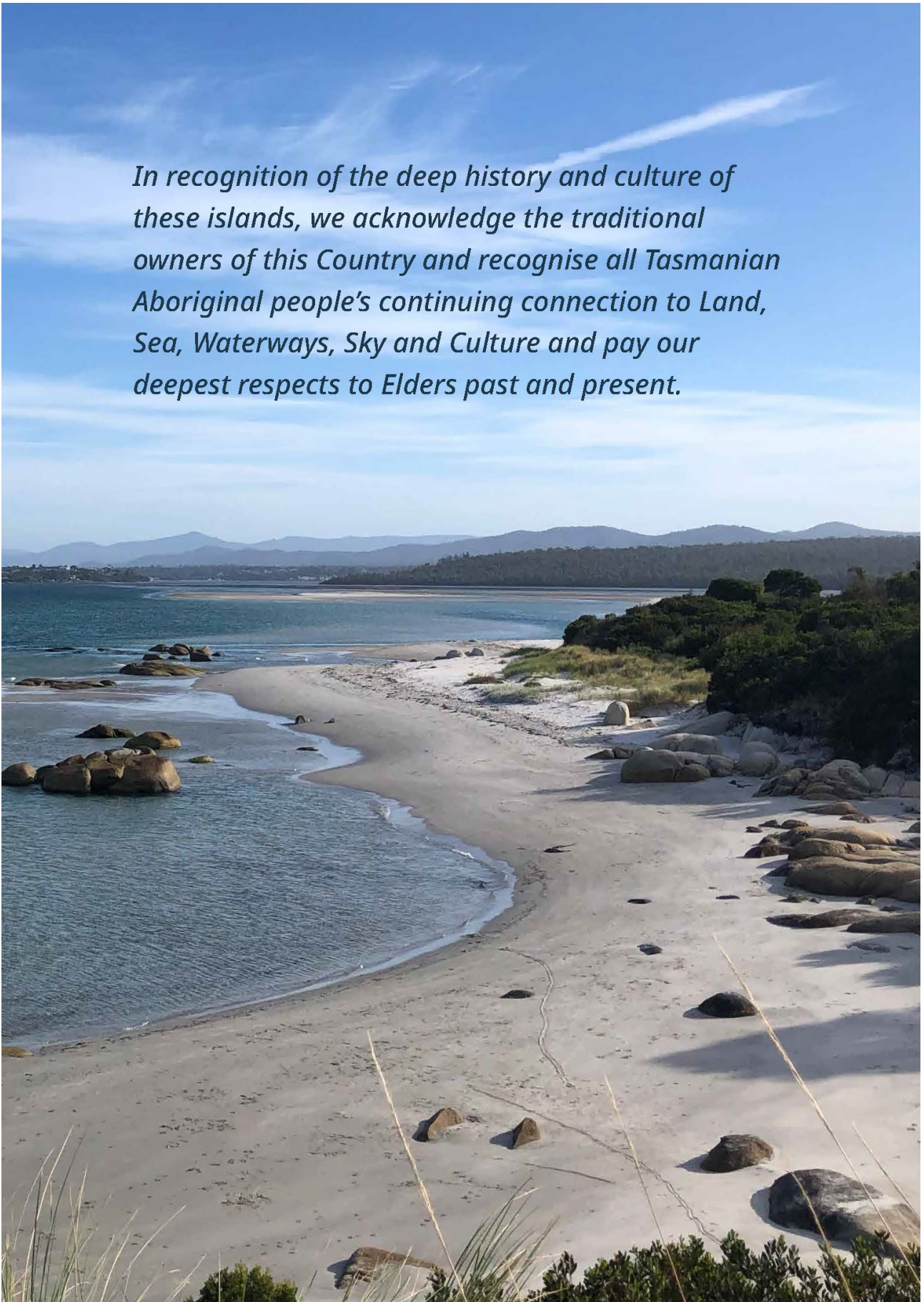
*Delivering a*  
**sustainable Tasmania**

Department of  
Natural Resources and Environment Tasmania





*In recognition of the deep history and culture of these islands, we acknowledge the traditional owners of this Country and recognise all Tasmanian Aboriginal people's continuing connection to Land, Sea, Waterways, Sky and Culture and pay our deepest respects to Elders past and present.*



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Cover photograph - NRE Tas | *Plastic knives and forks, paper straws and wooden stirrers*

Inside cover photograph - NRE Tas | *Georges Bay from Dora Point*

Phasing out Problematic Single-Use Plastics – Discussion Paper

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# Minister's Message



Tasmania is world renowned for its rich natural environment. Our natural ecosystems, native plants and animals, waterways, oceans, and beaches are important to the health of our environment and our community, and we all have a role to play in protecting this.

We know plastic is having a significant impact on our natural environment. To tackle this, the Tasmanian Government committed \$1 million over four years to address the impacts of problematic single-use plastics in our environment. This includes the scoping of a policy approach, development of legislation to achieve the phase out, as well as \$100,000 to support businesses through the transition away from using single-use plastic items.

The commitment will see the phase out of a range of plastic items identified as problematic or unnecessary, such as straws, single-use plates, bowls and cutlery and degradable, high polluting plastics by way of legislation, helping make Tasmania *a place where nothing is wasted*.

Acknowledging that this will have an impact across businesses, industry, and the community, the Government will support Tasmanians in navigating and understanding the new laws and lead the State in preparing to adjust to sourcing and using alternative items through education and awareness.

Encouraging sustainable behaviours provides an exciting opportunity to bring circular approaches to a wide range of sectors and policy areas in the State, and to address several economic, environmental, and social issues, such as the issues attributed to plastic pollution.

We can all make a difference, bring your reusable cup to the coffee shop, say no to single-use cutlery and bring your own, or take a container with you for lunch to your favourite takeaway spot. Over time we can all reduce our consumption of single-use items.

We know from other States and Territories already progressed in phasing out single-use plastics that accepting reusable cups and containers will reduce costs for businesses, specifically the small businesses that sell takeaway food and drinks, as well as reduce waste across our community.

I encourage you to read the following paper and respond to our survey. Hearing from as many Tasmanians as possible will help design a phase out tailored to the needs of everyone, specifically businesses and those who may still rely on single-use plastics for daily living. This is an opportunity for individuals, industry, and businesses to inform us of how a phase out on some single-use plastic items may impact you and what kind of support may be needed during this transition.

Hon Nick Duigan MP  
Minister for Parks and Environment

# Have your say

This initial consultation seeks community input to better understand how restricting access to some single-use plastic items will impact Tasmanians, and how items should be phased out over the next few years.

To achieve the best outcomes for Tasmania in phasing out certain single-use plastic items, this consultation invites you to provide feedback on the following:

- The impacts of a phase out for manufacturers, suppliers and businesses that sell and supply certain single-use plastics.
- The impacts of a phase out for the community, particularly those who rely on single-use plastic items as a part of daily life, such as those with certain disabilities and/or medical conditions.
- In what ways our community is already living more sustainably to reduce plastic waste.
- What support Tasmanians and businesses will need when phasing out single-use plastics.
- The alternative items or practices available to replace or avoid phased out single-use plastic items.

This paper is designed to provide information and context to this commitment to phasing out single-use plastics in Tasmania. More information about the phase out of single-use plastics is available at <https://nre.tas.gov.au/environment/problematic-single-use-plastics>.

For any enquiries, please email [PlasticsPolicy@nre.tas.gov.au](mailto:PlasticsPolicy@nre.tas.gov.au).

## Why is the Government seeking feedback?

To ensure our response best suits the needs of all Tasmanians, the Government would like to hear from you about how to best reduce Tasmania's use of single-use plastics. Feedback will inform the development of legislation that will establish a statewide ban on the commercial sale and supply of specific single-use plastic items and materials.

The Tasmanian Government encourages you to consider the contents of this paper when preparing your response to this initial consultation.

To guide your response, please complete the following survey

<https://nre.tas.gov.au/plastics-feedback>.

Alternatively, you can provide feedback in a written submission. Information on how to provide a written submission can be found at <https://nre.tas.gov.au/plastics-consultation>.



When this icon appears at the top of a page, the information may assist you with answering the survey.

# Introduction

We are surrounded by plastic and plastic waste. Plastic is a popular material because it is cheap, lightweight, durable, and versatile. While plastic has necessary and beneficial applications across many industries, the unsustainable production, use and disposal of plastics places pressure on the world's resources. Manufacturing and the incorrect disposal of these plastics significantly adds to the emissions that contribute to climate change, pollutes ecosystems, and puts people's health at risk. Plastics can remain in the environment for up to 500 years<sup>1</sup>; they break down into smaller pieces called microplastics, which accumulate in waterways and oceans, and even in the bodies of humans and wildlife.

Despite the acknowledged consequences of plastic, the global consumption of plastic items continues to rise. Every year, the world produces about 350 million tonnes of plastic waste with only 9 per cent recycled and half still ending up in landfills.<sup>2</sup> Additionally, up to 2 million tonnes of plastic waste enters our oceans annually<sup>3</sup>, posing a significant threat to our marine life and ecosystems.

*Tasmania is addressing the environmental, social, and economic issues associated with this increase in plastic production and use. Hearing from the community, businesses and industry sectors will help design a phase out tailored to the needs of Tasmanians.*

## The next steps following closure of this initial consultation:

-  Acknowledge and analyse all feedback received during this initial public consultation
-  Continue engaging with key stakeholders
-  Develop draft legislation detailing compliance, banned items and materials and timeframes for phase out
-  Public consultation on draft legislation, phase out roadmap and regulatory impact statement
-  Business support program and resources available to assist transition
-  Legislation considered by the Tasmanian Parliament
-  Stage one phase out commences
-  Future phase out action considered



Tasmania's plastic problem is a result of product and packaging design, littering and illegal dumping, limitations in recycling plastic and widespread dependence on single-use plastic items for convenience.

**The Tasmanian Government is considering the impacts of phasing out a range of items across the following seven categories:**

  
Utensils

  
Foodware

  
Drinkware

  
Bags and produce items

  
Cosmetics

  
Party goods

  
EPS

**The phase out of single-use plastics in Tasmania is proposed to occur across two stages initially, with stage one commencing when the new laws first take effect. Future stages are anticipated to commence around two years after the initial phase out.**

Stage 1	
<ul style="list-style-type: none"> <li>Drinking straws</li> <li>Beverage stirrers</li> <li>Single-use cutlery</li> <li>Single-use bowls (lidded and unlidded)</li> <li>Single-use plates</li> <li>Single-use food containers</li> <li>Single-use cups, lids and accessories</li> <li>EPS loose-fill packaging</li> <li>EPS moulded packaging</li> <li>Microbeads</li> </ul>	<ul style="list-style-type: none"> <li>EPS fruit and vegetable trays</li> <li>Plastics shopping bags (&gt;35 microns thickness)</li> <li>Barrier and produce bags</li> <li>Balloon sticks and ties</li> <li>Cotton buds</li> <li>Pizza saver</li> <li>Lollipop sticks</li> <li>Plastic confetti</li> <li>Plastic bread tags</li> </ul>

Stage 2	
<ul style="list-style-type: none"> <li>Plastic-lined noodle boxes</li> <li>Fruit stickers</li> <li>Plastic soy sauce packets</li> </ul>	<ul style="list-style-type: none"> <li>Condiment sachet/packets</li> <li>Pre-packaged and attached items</li> <li>EPS multi-service gelato containers</li> </ul>

**Plastic Materials**

*The following materials applicable to items listed above are recommended for banning:*

<ul style="list-style-type: none"> <li>Conventional plastic</li> <li>Degradable plastic (fragmentable or oxo-degradable)</li> <li>Biodegradable plastic made mostly from fossil fuels</li> </ul>	<ul style="list-style-type: none"> <li>Expanded polystyrene (EPS)</li> <li>Expanded polyethylene</li> <li>Expanded bioplastics</li> <li>Non-certified AS 5810-2010 or AS 4736-2006 compostable packaging</li> </ul>
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Items made from the materials listed above have also been identified as a priority to phase out. The Tasmanian Government encourages you to consider these materials in addition to the list of plastic items above.

## Why phase out single-use plastics?

**Single-use plastics** are plastic items designed to be used once and not to be reused or refilled, for example: coffee cups or plastic cutlery. Single-use plastic items may also be classed as problematic and unnecessary.

### **Problematic plastics:**

- Are difficult to collect or recover through public bins or kerbside collection.
- Are difficult or expensive to recycle through commercially available recycling technologies.
- Contaminate waste streams meaning other materials or resources cannot be recovered, collected, or recycled.
- Are easily littered and leak from waste collection sites.
- Are manufactured with materials or chemicals that present a risk to human health and the environment.
- Are manufactured with additives that accelerate the breakdown of an item into polluting microplastics.

**Unnecessary plastics** can be avoided without compromising on consumer needs in most cases, for example: plastic beverage stirrers or pizza savers. These items can also be easily replaced or redesigned with sustainable alternatives.

*The Government acknowledges that some single-use plastic items are currently needed for some purposes.*

Single-use plastic straws and cutlery are necessary for those with certain disabilities and medical conditions, whether that is for health and safety, hygiene or accessibility reasons. While this discussion paper focuses on what is commonly referred to as 'unnecessary' and/or 'problematic' single-use plastic, we recognise that some of the items listed for consideration are important tools and aids for some communities and industries. It is also acknowledged that some single-use plastic items may not have safe or available alternatives across the current market.

Page 24 explores about how the Tasmanian Government will support and accommodate those who cannot transition away from using certain single-use plastic items.

## Why act now?

The *Tasmanian Waste and Resource Recovery Strategy 2023-2026* provides a vision and strategic framework for collaborative and focused effort for Tasmania to be a place where nothing is wasted.

Tasmania is ready to join global and national action in shifting behaviours around plastic manufacturing, use and disposal. A change in such behaviours will allow improved outcomes to eliminate single-use plastic pollution benefitting Tasmania environmentally, socially and economically.

Photograph - NRE Tas | *New Town Rivulet*



# Fast facts

## Global Plastic Production

- Plastic production doubles every 11 years. Plastic production is rising exponentially and is set to increase before it decreases.<sup>4</sup>
- Between now and 2030, the world's annual total plastic production is expected to match the combined output since plastic's inception in 1950.<sup>5</sup>
- Plastics account for 4 per cent of the world's greenhouse gas emissions.<sup>6</sup>



## Plastic in Oceans

- Most of the plastic in our oceans comes from land-based sources: by weight, 70 per cent to 80 per cent is plastic that is transported from land to the sea via rivers or coastlines. The other 20 per cent to 30 per cent comes from marine sources such as fishing nets, lines, ropes, and abandoned vessels.<sup>7</sup>
- Marine plastic debris ingestion occurs in over 1400 species. Half of all seabird species and all seven sea turtle species are known to have ingested plastic.<sup>8</sup>



## Plastic Consumption in Australia

- In 2020-21, 61 per cent of plastic use in Australia was through imported items, while 39 per cent was locally manufactured items.<sup>9</sup>
- Plastic consumption has increased by 40 per cent over the last 10 years and is predicted to reach 9.7 million tonnes by 2049-50.<sup>10</sup>



## Plastic Waste Management in Australia (2020-21)

- 2.63 million tonnes of plastic waste were captured in end-of-life management fates in Australia, this included 13 per cent being recovered through recycling or energy recovery. 87 per cent went to landfill.<sup>11</sup>
- Of the 371,300 tonnes of plastics reprocessed in 2020-21, 211,900 tonnes (57 per cent) were reprocessed in Australia and 159,400 tonnes (43 per cent) was exported for reprocessing. This was an increase in total processing of 44,700 tonnes from the 2019-20 recovery of 326,600 tonnes.<sup>12</sup>
- In Tasmania, approximately one tonne of waste per person is landfilled every year.<sup>13</sup>



## Single-Use Plastics

- Each year Australians use up to 70 billion pieces of food wrappers, 5 billion pieces of disposable food and drink ware, and 1.5 billion pieces of disposable packaging and containers.<sup>14</sup>
- Over 90 per cent of the plastic that pollutes the world's environment consists of single-use plastics, for example plastic cutlery and microplastics found in cosmetic items.<sup>15</sup>



## Future Projections

- Under the current business-as-usual scenario, it is estimated that by 2050, global plastic pollution will escalate to 66.1 million metric tons per year when plastics in oceans are estimated to outweigh fish.<sup>16</sup>



Phasing out Problematic Single-Use Plastics – Discussion Paper

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## Are plastics more environmentally friendly now?

Plastic packaging is often marketed as 'environmentally friendly', with additives that quicken their breakdown when exposed to heat or sunlight. This sounds like a good idea, however these oxo-degradable, degradable and fragmentable plastics never disappear entirely and create microplastics.

'Bioplastics' is a broad term for plastics that are bio-based, biodegradable, or both. Further, biodegradable plastics may originate from fossil fuels, and not all bio-based plastics are biodegradable. Despite this, both are often labelled as 'bioplastics.' This makes it challenging to understand the true meaning of 'bioplastic' on item labels.

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## What are the different plastic materials?

Understanding what kind of plastics are in the environment is a great first step to understanding how Tasmania can work towards a solution for managing harmful plastic waste.<sup>5</sup>

### Fossil-fuel based (conventional) plastics

- Plastics made from non-renewable resources such as petroleum, coal and natural gas.
- May not have any degradable qualities.

### Bio-based plastics

- Plastics are made from plant-based, renewable materials like vegetable oils and starches.
- Can be biodegradable.
- Can also be non-degradable and not breakdown like conventional plastic.

### Degradable and fragmentable plastics

- Plastics advertised as degradable, oxo-degradable and fragmentable.
- Made from fossil-fuels.
- Manufactured with additives that accelerate fragmentation into microplastics by UV or heat exposure.

### Biodegradable plastics

- Broken down by microorganisms in the environment into safe compounds in the presence of oxygen.
- Can break down into methane in anaerobic conditions.
- Can be made from fossil-fuel or bio-based materials.
- Can be compostable (bio-based only).

### Compostable plastics

- Bio-based materials.
- May use plastic elements that can be processed entirely into compost.
- Require specific conditions (home or industrial composting) to break down if not biodegradable.
- Can also be biodegradable.

*Non-degradable bio-based plastics and degradable fossil-fuel based plastics are considered unsuitable alternatives to conventional single-use plastic items. They can be difficult to recycle or recover, either ending up in landfill or polluting our environment.*

Regulation of the design, composition and qualities of plastics is highly complex and inconsistent, particularly single-use plastic used in packaging and food service-ware items. Explaining what common single-use plastic items are made from and how they behave in the environment is not straightforward. This has led to confusion where incorrect terms are used to describe products in order to meet environmental standards. This is known as 'greenwashing'.

## Harmful chemicals in plastic

Per- and poly- fluoroalkyl substances (PFAS) are a group of chemicals used to coat food and beverage packaging to be leak proof and water/grease resistant, for example coffee cups and fibre based packaging (like compostable containers made from sugarcane).<sup>6</sup> PFAS, referred to as 'forever chemicals', leak, leach and may be unintendedly released into our environment from wide reaching sources, including from plastic items. Most PFAS will not break down when composted, and those that do can transform into other harmful chemicals.<sup>7</sup>

The release of PFAS into the environment is an emerging concern globally because the substances are<sup>8</sup>:

- Highly soluble, leaching from soils and sediments into surface water and groundwater, where they can move long distances entering freshwater and marine ecosystems becoming part of the food chain and bioaccumulating.
- Linked to negative impacts in plants and animals impacting on reproductive, developmental, and other systems.
- Associated with an increased risk of neurodevelopmental disorders, infertility, cardiovascular disease, cancers or disrupted endocrine functions in humans.

Further information on PFAS in Australia can be found at: <https://www.pfas.gov.au/>.

Photograph - NRE Tas | *Composting facility*



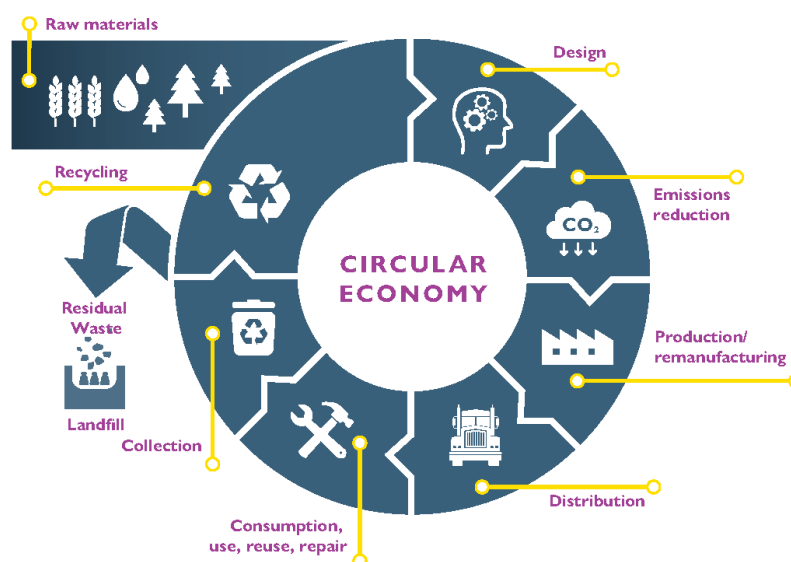


# Managing plastic pollution

## A 'circular economy' approach to plastics

Governments, industry groups, businesses and other organisations are already developing solutions to reduce Australia's use of single-use plastics. Their aims are to accelerate change in waste management behaviours, eliminate pollution and promote sustainable living to transition Australia to a 'circular economy.'

In a circular economy we design out plastic, keep products in use for as long as possible, then recover and regenerate products and materials at the end of their lifecycle. It is the opposite of our current traditional single-use economy. Rather than extracting resources, making products, and discarding single-use items, products are kept in use for as long as possible. This is achieved through reuse models.



*Circular economy diagram*

The full value of products and materials is gained through sustainable design, prioritising 'reuse, refurbishment and repair', and, where this is not possible, re-manufacturing or recycling and recovering for other purposes. This approach reduces the need for expenditure on new raw materials and promotes a more sustainable and regenerative system, reducing greenhouse gas emissions, growing our renewable energy capacity, and improving our economic strength, community wellbeing, and environmental resilience."

*Reducing our reliance on single-use plastic items and materials is a major factor to achieving a circular economy and protects our environment and communities from further harm caused by plastic pollution and hazardous manufacturing.*

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## What is Tasmania already doing?

- Retailers are prohibited in Tasmania from supplying lightweight plastic shopping bags (less than 35 micron thickness) for carrying goods sold by the retailer from the premises (*Plastic Shopping Bags Ban Act 2013*).
- Releasing balloons into the environment is classified as littering in Tasmania and can attract fines under the *Litter Act 2007*.
- In 2020, the City of Hobart banned single-use plastic takeaway food packaging. The by-law applies to food items within size limitations that are made on site and sold within the Hobart municipal area for immediate consumption. More information about the by-law can be found at: [www.hobartcity.com.au/Business/Permits-licences-and-registrations/Food-and-beverage-businesses/Single-use-plastics-by-law-information](http://www.hobartcity.com.au/Business/Permits-licences-and-registrations/Food-and-beverage-businesses/Single-use-plastics-by-law-information).
- In 2022, the Tasmanian Government established the landfill levy, placing a fee on waste materials (per tonne) sent to landfill for disposal. The aim of this levy is to reduce the amount of waste going to landfill and ensure valuable resources from waste are reused and reinvested within the circular economy.
- The Tasmanian Waste and Resource Recovery Board plays a major role in advising the Tasmanian Government on the direction for waste management, resource recovery, and the circular economy in Tasmania. The Board, established under the *Waste and Resource Recovery Act 2022*, is a key part of the Government's policy to reduce waste going to landfill and increase resource recovery.
- In 2023, Tasmania released its first legislated waste strategy: the <https://wrr.tas.gov.au/planning-and-reporting/waste-strategy> with a vision for Tasmania *to be a place where nothing is wasted*.
- The Tasmanian Government will establish a Container Refund Scheme coined 'Recycle Rewards', supporting the Government's vision of reducing litter and increasing recycling. Container refund schemes incentivise the return of used beverage containers for recycling in exchange for a refund. These schemes are an example of 'Extended Producer Responsibility' (often referred to as 'polluter pays') and are proven to reduce public littering and improve recycling outcomes. Find more information about Tasmania's scheme at: [www.nre.tas.gov.au/environment/recycle-rewards](http://www.nre.tas.gov.au/environment/recycle-rewards).

## National action

The *National Plastics Plan 2021* aims to increase plastic recycling, find alternatives to problematic plastics, and reduce the impact of plastic on the environment.

Supported by the Australian Government and industry, with targets set for overall waste reduction per-capita by 2030, the Plan includes the following targets for 2025<sup>19</sup>:

- 100 per cent of packaging being reusable, recyclable or compostable.
- 70 per cent of plastic packaging being recycled or composted.
- 50 per cent average recycled content included in packaging.
- The phase out of problematic and unnecessary single-use plastic packaging.

All other Australian States and Territories are well progressed in phasing out a range of single-use plastic items and materials, with some bans established since 2021 shown in [Appendix 1](#).

## International action

The new Global Plastics Treaty seeks to forge an international legally binding agreement to 'End Plastic Pollution' by 2040 through negotiation by 175 United Nations Member States. The treaty goal is to end plastic pollution by 2040 through:

- Limiting the use and manufacture of plastic to levels that are sustainable.
- Fostering a circular economy for plastics where plastic items are either reused, recycled, or re-manufactured when they are no longer needed or suitable for their original functions.
- Addressing eco-friendly ways of recycling discarded plastic.
- Tackling plastic pollution at its source, from production to waste management, with a focus on preventing waste and promoting a circular economy.

Australia recently joined the other nations to end plastic pollution showing that the Australian Government is also committed to end plastic pollution around the world by 2040 under this new plastic pollution treaty.<sup>20</sup> More information about the Global Plastics Treaty can be found at: <https://www.unep.org/inc-plastic-pollution>.

# Phasing out single-use plastics

## What should Tasmania phase out?

The Government is investigating a range of single-use plastics identified as problematic and/or unnecessary for consideration as part of a statewide phase out. Items in the categories explained in the following pages have been identified as a priority to phase out in Tasmania. These include:

- Items committed to a national phase out from 2025.
- Commonly littered items within Tasmania.
- Items that significantly impact our waste management systems.
- Items considered unnecessary where adapting to their absence is manageable.
- Items already banned in most other States and Territories.

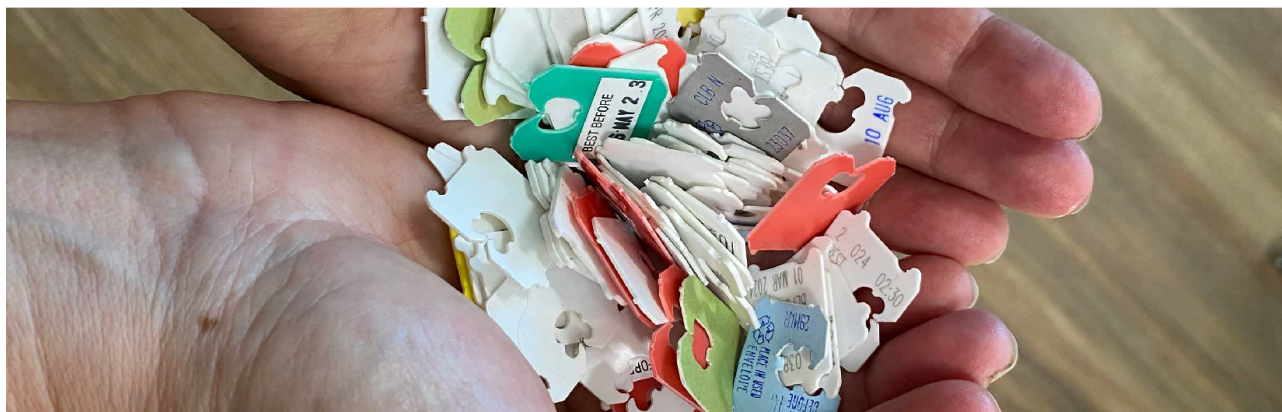
Feedback from this initial consultation and further consultation with stakeholders will inform which of these items and materials will be included in the first statewide phase out of single-use plastics in Tasmania.

Please consider your use of the single-use plastic items described over the following pages and provide a response via our online survey available at <https://nre.tas.gov.au/plastics-feedback>.

Alternatively, information on how to make a written submission is available at: <https://nre.tas.gov.au/plastics-consultation>.

**Please note the items and materials listed below and in the survey are not final.**

Photograph - NRE Tas | Plastic bread tags





## Utensils

### Stage 1

Drinking straws • Beverage stirrers • Single-use cutlery



Single-use plastic utensils are commonly littered throughout our environment either by human use or leaking from waste collection sites. They can be difficult to recover and recycle due to their small and complex design slipping through sorting facilities, as well as contaminate valuable waste streams for recycling with food waste. Alternative options are already well established.

Tasmanians with certain disabilities or medical conditions may still require these utensils daily, see page 25.

### Available alternatives

- Stainless steel/paper/bamboo straws
- Reusable/alternative utensil
- Stainless steel/wooden/bamboo/fibre-base certified compostable cutlery
- Not using a straw

Photograph - NRE Tas | *Stainless steel cutlery and straw*







## Foodware

### Stage 1

Single-use bowls (lidded and unlidded) • Single-use plates  
• Single-use food containers

### Stage 2

Plastic lined noodle boxes

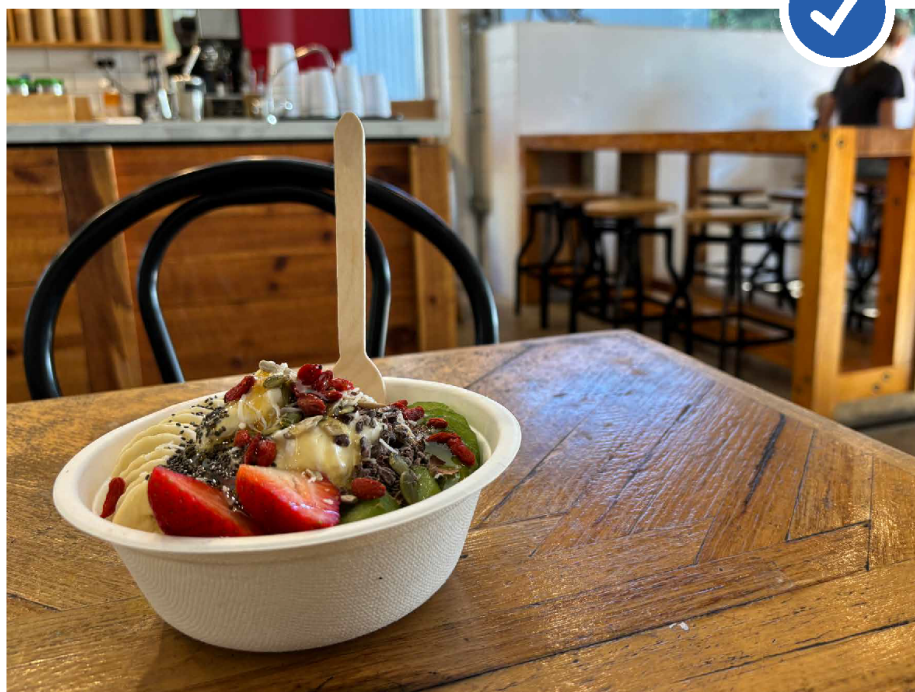


Single-use plastic foodware items are often too light to be correctly sorted with larger plastics and therefore are difficult to recycle. Food residue on single-use plastic foodware hinders the successful recycling of the item due to contamination. Also, plastic lined foodware, for example noodle boxes, can release microplastics into the environment.

### Available alternatives

- Reusable items (ceramic, steel, reusable plastic, glass, silicone)
- Paperboard bowls that are certified compostable to Australian Standards
- Fibre-based items made from bagasse (sugarcane mulch), wood, bamboo
- Reusable stretch lids made from silicone

Photograph - NRE Tas | *Paper bowl*





## Drinkware

### Stage 1

Single-use hot cups and lids (e.g. coffee or soup)

- Single-use cold cups and lids (e.g. iced coffee or bubble-tea)



Australians enjoy the convenience of takeaway drinks. The staggering consumption of approximately 910 million cold beverage cups in 2019-20 – has significant environmental consequences.<sup>22</sup>

Paper or fibre-based single-use cups are often lined with plastic (such as polyethylene, or bio-based plastic like polylactic acid) which makes them problematic to process or compost due to the risk of PFAS accumulation.

Other cups, made from fossil fuel or bio-based materials are a high use item with minimal recovery options being contaminated with food/drink. Therefore these cups accumulate in landfill or our environment as they either:

- Degrade very slowly or not at all
- Cannot be processed unless under certain composting conditions

### Available alternatives

- Reusable cups
- Cups certified compostable to Australian Standards
- Dine in instead of takeaway

Photograph - NRE Tas | *Reusable cup*





## Bags and produce items

### Stage 1

Plastic shopping bags greater than 35 microns thickness

- Plastic barrier and produce bags (e.g. for fruit, nuts and vegetables)
- Plastic bread-tags



### Stage 2

Stickers on fruit and vegetables

- Single-serve condiment packages



Many Tasmanian retailers have started supplying thicker plastic bags following the ban on lightweight plastic bags in 2013. There are currently not widespread recycling options for these thicker bags.

While there are small scale collection programs for plastic bread-tags, they are not recyclable as they are made from a problematic material: polystyrene.

While it is acknowledged produce stickers serve to assist many purposes including price look up codes, produce names and branding information, they contaminate waste streams for composting facilities. It is noted alternative options are currently limited. Other Australian States and Territories are currently investigating sticker phase outs.

### Available alternatives

- Reusable bags made from cloth or other sustainable materials
- Paper bags
- Cardboard boxes
- Recyclable cardboard bread-tags
- Fruit ink stamps
- Compostable paper produce stickers
- Available refillable condiment bottles
- Sustainable condiment containers prepped in-store

Photograph - NRE Tas | Cardboard box and padding





## Party goods and confectionary

### Stage 1

Pizza savers • Plastic confetti • Lollipop sticks  
• Balloon sticks and ties

### Stage 2

Pre-packaged and attached products  
(e.g. plastic straws on fruit boxes)



A pizza saver is a plastic device designed to stop the centre of a food packaging (for example a pizza box or cake box) from caving in and contacting the food inside. Plastic pizza savers can become a source of contamination in organics recycling streams if pizza boxes are discarded in a green organics bin.

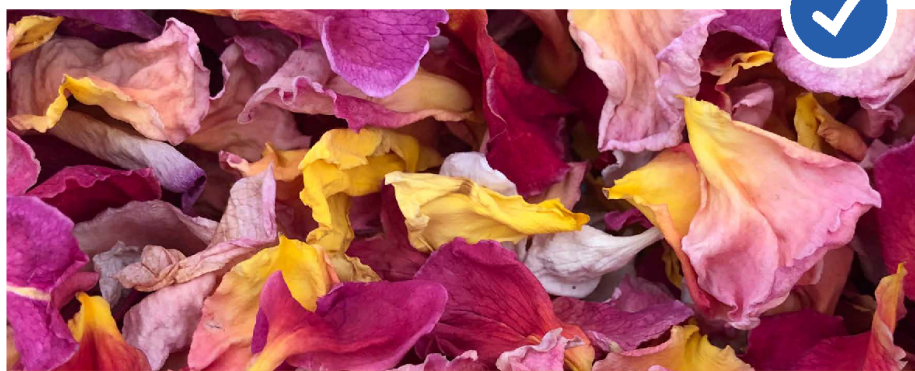
Plastic confetti are made from plastics like polyethylene terephthalate. This type of confetti is non-degradable, small, and lightweight. It accumulates and degrades into even smaller microplastics, meaning a momentary celebration at sporting events or weddings has a long-lasting impact on the environment.

Single-use plastic lollipop and balloon sticks can remain in the environment for centuries due to their inability to break down. Given their common littering and long-term environmental impact it is crucial to explore sustainable alternatives.

### Available alternatives

- Rice paper confetti, rose petals, dried native gum leaves
- Cardboard balloon holders
- Wood or bamboo sticks or paper, seed-infused lollipop sticks
- Pizza saver made as same material as pizza box or nothing at all

Photograph - NRE Tas | *Rose petals*





## Expanded polystyrene packaging



### Stage 1

**Expanded polystyrene loose-fill packaging** • **Expanded polystyrene moulded packaging** • **Expanded polystyrene fruit and vegetable trays** • **Expanded polystyrene food service containers**

### Stage 2

**Expanded polystyrene multi-service gelato containers**

Single-use expanded polystyrene (EPS) is used in packaging, such as loose-fill, moulded and produce trays. EPS is a lightweight plastic material susceptible to be carried by wind and water currents when improperly discarded. The environmental impact of EPS packaging is significant as it disintegrates into smaller fragments posing a substantial risk to wildlife if ingested. EPS packaging is unsuitable for kerbside recycling due to its tendency to fragment. Examples of single-use EPS include:

- Loose fill consumer packaging used in consumer item protection in freight (e.g. 'packing peanuts')
- Moulded consumer packaging used for protective packaging for white goods and electronics
- Produce trays commonly used by supermarkets and grocers for fruit and vegetables
- Food ware containers (e.g. 'clamshells')
- Multi-service gelato containers

States and Territories agreed to phase out EPS consumer food containers and consumer goods packaging by 2025, with the National Packaging Targets setting a voluntary industry target of 100 per cent of packaging to be reusable, recyclable, or compostable by 2025.<sup>9</sup>

The Australian Packaging Covenant Organisation developed a roadmap to phasing out various EPS packaging types. Loose-fill packaging and food and beverage containers are identified for immediate phase out, while moulded EPS packaging require different approaches based on certain criteria. Moulded EPS used for packing small to medium sized electrical items may see a longer phase out period, and stewardship schemes will be sought where moulded EPS is used for large and heavy, fragile, or precision items over 45kg (e.g. white goods) due to safety/transport requirements.<sup>22</sup>

Western Australia is the only jurisdiction currently with an active moulded EPS packaging phase out program.

Moulded EPS packaging is used for a variety of food hygiene and health and safety purposes. This consultation refers to moulded EPS which may be unnecessary or easily replaced by a more sustainable item.





#### Available alternatives

- Cardboard
- Paper
- Fungi-based packaging from mycelium-based bio composite materials combined with fibre based materials
- Wool waste
- Clear recyclable plastic trays (polyethylene terephthalate)

### Cosmetics

#### Stage 1

##### Microbeads in personal healthcare items - Plastic-stemmed cotton buds



Microbeads, synthetic polymer particles smaller than 5mm, are found in various personal care items such as sunscreens and facial cleansers, cosmetics, and cleaning items. These particles are resistant to degradation and enter wastewater systems and flow into waterways and potentially our drinking water supply.

Action led by industry and the Australian Government has led to significant declines in the use of plastic microbeads by manufacturers across personal healthcare items already.

Plastic-stemmed cotton buds made from polypropylene can enter marine environments and leach toxic biological and chemical contaminants. Marine animals are found to mistakenly consume plastic-stemmed cotton buds and other small plastics, filling their stomachs with no urge to feed, leading to poor nutrition, starvation and eventual death.

#### Available alternatives

- Bamboo, sugarcane, and wood cotton buds
- Reusable cotton buds that can be washed and reused
- Plant-based exfoliant textures in cosmetic items

Photograph - NRE Tas | *Non plastic cotton buds*





## Phased out single-use plastic items made from the following materials



Conventional plastic made from fossil-fuels • Plastic with degradable qualities (fragmentable or oxo-degradable)  
• Bio-degradable plastic made mostly from fossil-fuels  
• Expanded polystyrene • Expanded polyethylene • Expanded bio-based plastics • Bio-based plastics not certified to Australian Standards

Consider how you may be impacted by the phase out of items listed from pages 16 to 22 made from the materials listed above.

While the design of a single-use item may contribute to its problematic or unnecessary nature, the material of an item can also be a significant problem.

Single-use plastic material made from fossil-fuels, or material with degradable qualities that promote pathways for microplastics and toxic residue to persist in the environment are highly problematic. Plastics made from fossil fuels with degradable qualities may be misleadingly advertised as being a more environmentally conscious purchase when these products remain problematic as they never truly degrade entirely.

Any biodegradable materials not certified under Australian Standards 5810-2010 (home composting) or 4736-2006 (industrial composting) do not meet the industry standards or benchmarks used to ensure plastic material is safe for compost and the surrounding environment.

Certified materials and items will include these logos to reflect compliance with Australian Standards:



### Available alternatives

- Stainless steel/paper/bamboo
- Cardboard
- Woven material
- Certified compostable plastic



## How will Tasmanians be impacted?

Phasing out single-use plastics will affect businesses, charities, government facilities, industry groups and community members who use, supply or depend on these items. The Tasmanian Government acknowledges that individuals and organisations, such as those in the healthcare, disability, aged-care, correctional services and scientific sectors rely on single-use plastic items like straws, cutlery, cups and containers daily. These individuals and organisations will need assistance because there may be no safe or reliable alternatives available to them. When certain single-use plastic items are phased out, the Government will ensure that our community receives support to adapt to the changes brought about by a phase out of single-use plastics and ensure there is lead time for Tasmanians to prepare and adjust to this reform.

### Health and safety

Aged care, health, charities and correctional facilities rely on the material properties of single-use plastic items to operate services for health, hygiene, and safety purposes.

### Disabilities and medical conditions

The alternative options for replacing single-use plastic utensils and food and drink containers may not be suitable for those Tasmanians with certain disabilities or medical conditions.

### Businesses and the supply-chain

Using alternate items may incur higher costs, pose supply challenges for businesses, and potential health risks to customers and staff. Distributors may need to work with new suppliers, assess whether their existing suppliers can meet their needs, change their inventory management and communicate options with their customers. Suppliers or manufacturers may need to shift their production to provide their customers with alternative items while navigating new legal requirements.

However, suppliers have an opportunity to collaborate with manufacturers and researchers to develop innovative and sustainable alternatives and explore reusable item options and systems.

### Rural access and other needs

The Tasmanian Government acknowledges the diverse needs of Tasmanians in obtaining crucial information and support during this statewide phase out. The Government is committed to providing the necessary information. Prioritising access to easy-to-understand information, distributed across all municipal areas and in multiple languages is a priority for the Government. This will ensure Tasmanians are supported to make informed decisions about their use of single-use plastics.

Tasmania's rural communities may have limited access to waste collection infrastructure such as kerbside services for waste, recycling and food and organics, making it difficult to safely dispose of more sustainable single-use alternatives such as certified compostable items.



## Will there be exemptions for some items?

The legislation will provide for exemptions for those who still require access to any restricted items. General exemptions will be informed by significant consultation with impacted sectors, and specific exemptions on a case-by-case basis will also be factored into how the phase out is implemented across Tasmania.

## What do you need from the Government to transition to a phase out of single-use plastics?

This phase out of certain single-use plastic items and materials will be mandatory. It will target the commercial sale and supply of single-use plastic items in Tasmania. Information on *what* items and materials will be phased out and *when* will be made available through a Roadmap published by the Tasmanian Government at the **next stage of public consultation** when draft legislation is prepared.

The Government recognises Tasmanians need time, support, and resources during the phase out and is interested in your thoughts on how you could benefit from the proposed options.

### More time to prepare in advance

- The phase out will be enacted through law.
- The legislation may include a transition period before penalties apply for non-compliance.
- The additional time to adapt to the phase out will help suppliers, agencies and vendors manage procurement of alternative options and existing stock levels of single-use plastics.

### Funding support

- Such as for food serviceware items, it is widely acknowledged that reusable items and systems are the most sustainable alternative to single-use items.
- Impacted businesses and organisations may find that transitioning to using reusable options more regularly is costly in the short-term.
- The Tasmanian Government is committed to ensuring businesses are supported through the transition and are able to make the best choices to benefit Tasmania.

### Educational resources and programs

- Not everybody has the time or resources to be an expert in sustainability.
- The Government acknowledges those impacted by a phase out will need information to make choices about their businesses and actions.
- This might include information about the most sustainable alternative options to replace single-use plastics, the costs involved in adopting different options and the potential issues associated with some alternative items and materials.



### **On-the-ground engagement**

- Having the opportunity to talk directly with experts about the concerns you may face as a result of this phase out can be highly beneficial.
- These opportunities may provide information on ways you specifically can adopt the most sustainable options following this phase out and become a leader in your community.

### **Local government**

- Information from local council about the phase out may be more accessible for the community.
- The Government wants to ensure everybody has access to the information they need to navigate this phase out of single-use plastics in Tasmania.

### **Government-Industry partnership opportunities**

- Manufacturers and suppliers of restricted single-use items and materials will be impacted through the phase out.
- Events and festivals in venues, stadiums or campuses may require significant changes at an operational level to adopt reuse systems and models.
- The Government seeks input on potential collaborations to aid industry during this transition.



# Acknowledgements

We acknowledge the organisations and experts that have informed the contents of this discussion paper, including but not limited to, agencies of the Tasmanian Government, other State and Territory governments and regulators, research consultants, Boomerang Alliance, not-for-profit organisations, university academics, technical life cycles analyses experts and waste management leaders.

We particularly pay thanks to all officers across other State and Territory governments who have expertly and passionately provided their insights and learnings to Tasmania while leading the way nationally as part of Australia's goal to mitigating the impacts caused by single-use plastics.

# Survey questions

The following online survey questions can be found at <https://nre.tas.gov.au/plastics-feedback>. We encourage you to fill out the online survey as your responses will help us design the approach to phasing out single-use plastic items in Tasmania.

To view which questions require mandatory responses, refer to the survey available at: <https://nre.tas.gov.au/plastics-feedback>.

## Single-use plastics phase out in Tasmania

1. Do you support reducing the use of single-use plastics in Tasmania?
2. Which single-use plastic items are important to be phased out?
  - Drinking straws
  - Beverage stirrers
  - Single-use cutlery
  - Single-use bowls without lids
  - Single-use bowls with lids
  - Single-use plates
  - Single-use food containers
  - Plastic lined noodle boxes
  - Single-use hot cups without lids
  - Single-use hot cups with lids
  - Single-use cold cups without lids
  - Single-use cold cups with lids
  - Plastic shopping bags greater than 35 microns thickness (e.g. thick plastic shopping bags)
  - Plastic barrier and produce bags (e.g. for fruit, nuts and vegetables)
  - Plastic bread-tags
  - Stickers on fruit and vegetables
  - Single-serve condiment packages
  - Plastic soy sauce fish packets
  - Microbeads in personal healthcare items
  - Plastic-stemmed cotton buds
  - Pizza savers
  - Plastic confetti
  - Lollipop sticks
  - Balloon sticks and ties
  - Pre-packaged and attached products (e.g. plastic straws on fruit boxes)
  - Expanded polystyrene loose-fill packaging (e.g. packing peanuts)
  - Expanded polystyrene moulded packaging (e.g. appliance packaging)

- Expanded polystyrene fruit and vegetable trays
  - Expanded polystyrene food service containers (e.g. clamshells)
  - Expanded polystyrene multi-service gelato containers
3. How might a phase out of any of the items listed above affect you as an individual?
  4. Please tell us more if you believe there are single-use plastic items listed above that are essential or where you believe suitable alternatives do not exist.

### Plastic use in Tasmania

5. What do you currently do to manage your use of single-use plastics?  
*(tick box options in survey)*
6. What prevents you from using alternative items/practices to reduce your use of single-use plastics? *(tick box options in survey)*
7. What information do you think you and your community need when phasing out single-use plastics? *(tick box options in survey)*

### Tasmanian Organisations or Businesses

8. Do you operate a Tasmanian organisation or business that sells, supplies, disposes of or uses single-use plastics?

***The following questions only apply if you answered yes to question 8.***

9. What type of business or organisation do you operate?
10. Which of the following would help you prepare for the phase out?  
*(tick box options in survey)*
11. What information do you think you as a business operator need to feel supported when phasing out single-use plastics? *(tick box options in survey)*
12. What are the impacts to your business or organisation that need to be considered as part of this discussion?
13. Organisation or business name.

### About you

14. Name
15. Email
16. What is your residential postcode?
17. Would you like to receive updates and resources via email on Tasmania's phase out of single-use plastics?
18. What is your age?
19. Do you have a disability or medical condition, or care for somebody who does, which requires the use of any of the listed single-use plastic items?
20. Is English your main language spoken at home? If not, please specify.

## Glossary

ACT	Australian Capital Territory
NSW	New South Wales
NT	Northern Territory
QLD	Queensland
SA	South Australia
VIC	Victoria
WA	Western Australia
EPS	Expanded polystyrene
FOGO	Food organics and garden organics
PFAS	Per- and poly- fluoroalkyl substances
AS 4736-2006	The Australian Standard of biodegradable plastics suitable for composting and other microbial treatment (industrial composting).
AS 5810-2010	The Australian Standard of biodegradable plastics suitable for home composting.
Bio-accumulate	The gradual accumulation of substances, such as chemicals in an organism, through consumption or absorption.
Bio-based plastic	Plastics made from plant-based, renewable materials like vegetable oils and starches reduce consumption of fossil fuels and can be biodegradable. However, these materials may be non-degradable and exhibit similar behaviour to conventional plastics, persisting for hundreds of years in the environment.
Biodegradable	Biodegradable materials can be broken down by microorganisms in the environment into safe compounds within the presence of oxygen. However, without oxygen these materials breakdown into potent greenhouse gases, for example methane. Biodegradable plastics may also be made from either fossil fuels or bio-based materials.
Circular economy	Reducing our reliance on single-use plastic items and materials is a major factor to achieving a circular economy and protects our environment and communities from further harm caused by plastic pollution and hazardous manufacturing.
Compostable plastic	Made from bio-based materials, may use plastic elements that can be processed entirely into compost. Compostable items cannot breakdown entirely in the environment and require specific conditions, especially items requiring commercial processing. Biodegradable plastics may also be compostable.

### Glossary continued

<b>Degradable plastic</b>	Made from fossil fuels that fragment and degrade into microplastics when in the environment.
<b>Fossil-fuel based plastic</b>	Plastics made from non-renewable resources such as petroleum, coal, and natural gas.
<b>Fragmentable plastic</b>	Made from fossil fuels that fragment and degrade into microplastics when in the environment.
<b>Greenwashing</b>	False signalling or advertising that a plastic item has elevated environmental standards.
<b>High-density polyethylene</b>	High-density polyethylene (HDPE) is a commonly used petroleum thermoplastic and the most used of the three types of polyethylene.
<b>Low-density polyethylene</b>	Low-density polyethylene (LDPE) is a thermoplastic made from the monomer ethylene. It was the first grade of polyethylene, produced in 1933.
<b>Microplastics</b>	Refers to plastic particles less than five millimetres diameter, including nano-sized particles.
<b>Oxo-degradable plastic</b>	Items containing a pro-oxidant that induces breakdown of the plastic item into smaller pieces under favourable conditions (e.g. heat, UV-light and mechanical stress).
<b>Polyethylene terephthalate</b>	The most common thermoplastic polymer resin of the polyester family it is used in fibres for clothing, containers for liquids and foods, and in combination with glass fibre for engineering resins.
<b>Polystyrene</b>	Lightweight cellular plastic material made from hydrocarbon.
<b>Problematic single-use plastic</b>	<ul style="list-style-type: none"> <li>• difficult to collect or recover through public bins or your kerbside council collection service.</li> <li>• contaminate waste streams meaning other materials or resources cannot be recovered, collected, or recycled.</li> <li>• contaminate waste streams meaning other materials or resources cannot be recovered, collected, or recycled.</li> <li>• easily littered.</li> <li>• manufactured with materials or chemicals that present a risk to human health and the environment.</li> <li>• manufactured with additives that accelerate the breakdown of an item into polluting microplastics.</li> </ul>
<b>Product stewardship</b>	Product stewardship schemes support the environmentally sound management of products and materials over their life, utilising a shared responsibility principle to reduce the harmful impacts of certain products. This can include involvement from parties involved across the design, manufacturing, importation, sale, use and disposal of products. More information can be found at: <a href="https://www.dcceew.gov.au/environment/protection/waste/product-stewardship">https://www.dcceew.gov.au/environment/protection/waste/product-stewardship</a> .
<b>Unnecessary single-use plastic</b>	Can be substituted with fit-for purpose alternatives or even eliminated entirely without causing significant disruption to consumer needs.

## Appendix 1: Single-use plastic phase outs across Australia




The table below shows the status of action in other states and territories (as at May 2024) against each of the items proposed to be phased out in Tasmania.

	ACT	NSW	NT	QLD	SA	VIC	WA
Drinking straws	Jul 2022	Nov 2022	2025	Sept 2021	Mar 2021	Feb 2023	Jul 2022
Beverage stirrers	Jul 2022	Nov 2022	2025	Sept 2021	Mar 2021	Feb 2023	Jul 2022
Single-use cutlery	Jul 2021	Nov 2022	2025	Sept 2021	Mar 2021	Feb 2023	Jul 2022
Pre-packaged attached products	Exempt	Exempt	-	-	Sept 2025	Exempt	-
Single-use bowls (unlidded)	Jul 2023	Nov 2022	2025	Sept 2021	Sept 2023	-	Jul 2022
Single-use bowls (lidded)	Exempt	Planned	-	-	Sept 2024	-	Sept 2024
Single-use plates	Jul 2023	Nov 2022	2025	Sept 2021	Sept 2023	Feb 2023	Jul 2022
Single-use food containers	-	Planned	-	-	Sept 2024	-	Sept 2024
Plastic lined noodle boxes	-	-	-	-	Sept 2024	-	Sept 2024
Single serve condiment packages	-	Planned	-	-	Sept 2025	-	-
Plastic soy sauce fish	-	Planned	-	-	Sept 2025	-	-
Single-use hot cups and lids	-	Planned	-	-	Sept 2024	-	Mar 2024
Single-use cold cups and lids	-	Planned	-	-	Sept 2024	-	Oct 2022
Plastic shopping bags greater than 35 microns thickness	Jan 2024	Planned	-	Sept 2023 (reusable standard)	Sept 2024	-	Jul 2022
Plastic barrier and produce bags	-	Planned	-	-	Sept 2024	-	Sept 2024
Plastic bread-tags	-	Planned	-	-	Sept 2024	-	-



**Appendix 1: Single-use plastic phase outs across Australia as at May 2024 continued**

	ACT	NSW	NT	QLD	SA	VIC	WA
Stickers on fruit and vegetables	-	Planned	-	-	Sept 2025	-	-
Microbeads in healthcare items	Jul 2023	Nov 2022	2025	Sept 2023	-	-	Sept 2023
Plastic-stemmed cotton buds	Jul 2022	Nov 2022	-	Sept 2023	Sept 2023	Feb 2023	Sept 2023
Pizza saver	-	Planned	-	-	Sept 2023	-	-
Plastic confetti	-	-	-	-	Sept 2024	-	-
Lollipop sticks	-	Planned	-	-	-	-	-
Balloon sticks and ties	-	Planned	-	-	Sept 2024	-	-
Expanded polystyrene loose-fill packaging	Jul 2023	-	2025	Sept 2023	-	-	Sept 2023
Expanded polystyrene moulded packaging	-	-	2025	-	-	-	July 2025
Expanded polystyrene fruit and vegetable trays	Jul 2023	Planned	2025	-	Sept 2024	Exempt	Jul 2022/ Sept 2023
Expanded polystyrene food service containers	Jul 2022	Nov 2022	2025	Sept 2021	Mar 2022 clamshells Sept 2024 other EPS containers	Feb 2023	July 2022
Expanded polystyrene multi-service gelato containers	Exempt	Exempt	2025	Sept 2021	Sept 2024	Exempt	Jul 2022

**Key**     Future ban     Ban already in place     No ban in place or proposed at this stage/exempt

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Department of Natural Resources and Environment Tasmania



GOV 12/23

## POLICY NO AM21 SINGLE USE PLASTICS POLICY

<b>DEPARTMENT:</b>	Works and Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Manager Infrastructure and Development Services
<b>LINK TO STRATEGIC PLAN:</b>	<p>Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.</p> <p>Provide access to services and facilities which support a sustainable lifestyle.</p>
<b>STATUTORY AUTHORITY:</b>	Nil
<b>OBJECTIVE:</b>	To provide a framework by which the Council, local community groups and businesses are encouraged to phase out the use of single use plastic packaging within the Break O' Day municipality.
<b>POLICY INFORMATION:</b>	<p>Adopted 21 February 2022 – Minute No 02/22.16.3.35</p> <p>Amended 19 December, 2022 – Minute No 12/22.15.2.256</p>

### POLICY

#### 1. SCOPE

This policy applies to

- All Council controlled buildings and land and leases that Council holds on Crown land.
- Council leases where the lessee is operating a take away food and/or beverage service.
- All events, markets and other activities (including food vans) on council controlled land, whether sponsored by the Council or not.

#### 2. DEFINITION

Single use plastics are plastic items used for food and beverage, which are not designed or intended for multiple use, or to be returned to the retailer for refill or reuse for the same purpose for which it was conceived. The following single use plastic items are covered by this policy:

- plates, bowls and other plastic dishes
- cups and lids
- cutlery
- stirrers
- straws
- food and beverage packaging including, non-recyclable beverage/water containers and polystyrene containers.

### 3. EXEMPTIONS

In circumstances where single use plastics might not be avoidable reasonable judgement is required

- Consideration of people with disabilities and their individual needs.
- Emergency situations.
- Where public health risks are possible such as in food preparation, handling and covering.

### 4. POLICY

Single use plastics are not to be used at both, sponsored or non-sponsored events in Council operated buildings or land from 1 January 2023 onwards. Approved single use compostable packaging or reusable packaging will be permitted.

All sponsorship agreements from 1 January 2023 will include the following clause: "single use plastics are not to be used during the event and are to be substituted with approved compostable or reusable packaging alternatives".

Council will work with event holders to transition to more sustainable event management, specifically facilitating the move away from compostable single use packaging to reusable packaging.

Food vans operating on council land are encouraged to transition away from using single use plastics. The council will ask all food van operators to join into a memorandum of understanding which will ask that, when operating on council land or public roads, single use plastics not be used and are instead substituted with compostable or reusable packaging alternatives.

Sports clubs canteens and other community venues that hold events and functions as part of their normal operations in/on Council owned buildings and land are encouraged to transition towards the principles of this policy.

Council managers will support and implement appropriate processes to ensure operation and compliance to this policy and associated procedures.

Council will provide Waste Minimisation Guidelines to support Council staff and event organisers to ensure that planning for events includes Planning for avoidance, reduce and recycling of waste.

Event organisers are required to promote and practice waste avoidance principles by:

- a) Proactively reducing waste quantity generated.
- b) Not allowing the sale and/or distribution of single-use plastic products and single use sachets, polystyrene, plastic bags, plastic straws, non-recyclable beverage/water containers and/or balloons.
- c) Avoiding the sale/and or distribution of non-recyclable beverage/water containers, except in cases of potential breach of health and safety requirements;
- d) Responsibly manage any waste to ensure the cleanliness of the area is maintained during and after the event and allow for segregation of waste streams at an event,
- e) Promote and engage in sustainable procurement practices; selecting materials that enable the opportunity for recycling with the objective of reducing the environmental impact of any products, supplies and promotional materials used at an event.





Council will cease purchasing single use plastics as defined in this policy by 1 July 2022. Existing stocks of single use plastic may be consumed beyond this date.

#### **5. MONITOR AND REVIEW**

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the Mayor and the General Manager

## 9. COMMUNITY DEVELOPMENT

### 09/24.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which are being dealt with by the Community Services Department.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

The Community Services team approaches all our work through a lens of access and inclusion and we advocate for this in the networks and meetings that we participate in both internally and externally.

#### 2024 - 2025 Programs and Initiatives

Community Services	2024-2025 Budget	
Community Grants	30,000	
Youth Services	8,000	
Misc Donations & Events	7,500	
School Prizes	1,000	
Community Event Funding		
Seniors Day	3,000	
Australia Day Event	5,000	
Swimcart	1,000	
St Helens Athletic Carnival	2,500	
Carols by Candlelight	1,600	
Australia Day Event (including Woodchopping)	15,000	
Fingal Valley Coal Festival	2,000	

Pyengana Endurance Ride -	500	
St Helens Game Fishing Comp	2,000	
Wellbeing Festival	3,500	
Marketing Valley Tourism	2,500	
Volunteer Week	2,500	
Bay of Fires Art Prize	10,000	
Bay of Fires Winter Arts Market –	4,000	
St Marys Community Car & Bike Show	2,000	
East Coast Masters Golf Tournament	2,500	
International Disability Day Events	1,000	
Mental Health Week	500	
BODRA Winter Lights – name change from Barn Dance	2,000	
Suicide Prevention	1,000	1,000.000
Pyengana Easter Carnival	1,000	
Mannalargenna Day	2,500	
Christmas Donations	6,000	
<b>Council Sponsorship</b>		
Funding for BEC Directory	2,000	
St Helens Marine Rescue	3,000	
Business Enterprise Centre (BEC)	28,000	
Welcome to Town Christmas Signs	1,500	

Below are updates on current projects being managed by Community Services:

### Reconciliation Action Plan (RAP)

Council staff have completed their first workshop in relation to the development of the Reconciliation Action Plan with Reconciliation Tasmania. Councillors have also attended a workshop run by Reconciliation Tasmania where they have been asked to provide feedback in relation to what they believe Reconciliation means.

Some of the topics that we covered at the last workshop were:

- [What are we reconciling?](#)
- [What is the way forward? – The Uluru Statement](#)
- [Hearing Tasmanian Aboriginal voices](#)
- [Identifying our sphere of influence](#)

### Bay of Fires Master Plan

The Expression of Interest period for applications has now closed and the Bay of Fires Steering Committee have reviewed and scored the applications received. An agenda item will be discussed at an upcoming Council meeting.

## **Pump Track Project**

Concrete edging was completed on Friday (23<sup>rd</sup> August). The edging takes 4-5 days for a team of 3-4 and includes:

- Preparing the track
- Mixing and laying the kerb with machine
- Hand trowelling/finishing the kerb
- Backfilling around the inside of kerb

Following the concrete edging, the next step was the emulsion sealing of the track. This step takes about a day and there are a few steps in it including:

- Order new emulsion IBC – aiming for delivery to site on Friday 23/8
- Order chip coat stones – aiming for delivery to site on Friday 23/8
- Apply Emulsion seal – by Monday 26/8

After the emulsion sealing, the next step is some general cleanup and shaping of excess in-situ material and establishing/improving site drainage. This includes the following items:

- Surrounding track batters and shaping – around 2 days (most of this is usually done after asphaltting)
- Shaping and construction of drainage (swales 1 and 3) around the track
- Reshaping of material (stockpiles 1 and 2) around the track
- Moving and shaping topsoil around to batters on downhill side of the track (maintaining access roads 1 and 2 to use for asphalt importing)

The track will then be ready for the laying of the asphalt. The contractors are delaying this step until it can be guaranteed of suitable daytime temperatures. Their specifications state a minimum ambient air and ground temperature of at least 15 degrees Celsius for asphaltting. Asphaltting in cold conditions cools the mix too quickly which can result in a brittle and crumbly surface as opposed to a dense and tight surface finish. With winter almost finished, temperatures are moving in the right direction and they are hoping to be able to lay asphalt late September.

## **Community Events/Activities**

Community Services staff have been working with community members in ensuring that all the great events listed below are able to go ahead. We thank the volunteers who put a lot of their time into organising these events so that the community and visitors to our area can enjoy what we have in our municipality.

### **September 2024**

13 – Break O’Day Stitchers – Portland Hall  
17 – RAW Training Day – Portland Hall  
21 – Men Care Too BBQ – Foreshore

### **October 2024**

5-6 – A Festival Called George – St Helens Foreshore  
10 -The Festival of Wellbeing – Bendigo Bank Community Stadium  
15- Break O’Day Council Seniors week – bus trip

## **Learner Driver Mentor Program**

The Get In2Gear program had a very successful month last month with a record break of 88.5 on-road hours, the highest on-road hours ever for the program. The AGM for the Learner Driver mentor program is scheduled for September in Longford.

Total on-road hours – 88.5 Hours

Total Mentors - 10

Learner in car - 36

Waiting list – 4

Graduated – 0

## **Community Wellbeing Project**

Participants in Fingal and St Helens completed the 8 week Wellbeing Certificate and are being supported to bring their community actions to life. Salsa workshops are underway in St Helens and Fingal have Games Night booked for 2 October, Actions and ideas will be showcased at this year's Festival of Wellbeing.

The Festival of Wellbeing on Thursday 10 October is shaping up to be a vibrant day of showcasing, sharing and celebrating wellbeing in Break O'Day. 50 Wellbeing Champions are getting ready to host spaces and activities on the day including pilates, yoga, music, dance, arts, mindfulness and more.

The Wellbeing Summit theme has been simplified to, 'A place we love to live' and will be held on Friday 1 November at Panorama. The Wellbeing Collective are supporting the planning of this important event. The summit is a facilitated conversation about the things we value in our community. The day will be an opportunity to share and talk together about our ideas to create the community we want to live, work and play in. After the summit ideas can become actions in 2025 with support and seed funding from the Wellbeing Project.

## **Youth**

The Youth Voice to Council Framework was endorsed by Council and is being promoted at youth events and to youth via youth stakeholders. The information is now available on Council's website. Council staff promoted the opportunity at the Job Expo on 10 September.

The Amplify Youth Collective met on 8 August to continue plans for their future direction. The Collective continues to be an important touchstone for youth stakeholders and a collective voice for advocacy and an opportunity to collaborate on potential activities.

The Live4life Break O'Day Partnership Group met and council staff provided feedback and support to the development of the Evaluation and Communication Plan for the project.

## **Health and Wellbeing**

The September meeting of the Health and Social Services Network was held on 9 September. The network continues to attract new members and members expressed their gratitude for the opportunity to connect and learn more about each other's work supporting our community.

Hub4Health management is ongoing. The Royal Flying Doctor Service have relocated to the Hub to deliver their face to face services in St Helens. Work on a Management Plan by a consultant will commence shortly.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

##### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

###### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

###### Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

#### **LEGISLATION & POLICIES:**

N/A

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority



ACTION	INFORMATION
PROPONENT	Department
OFFICER	Development Services Coordinator
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various activities which have been dealt with by the Development Services Department since the previous Council meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS**

## PLANNING REPORT

The following table provides data on the number of applications approved for the month including statistical information on the average days to approve and the type of approval that was issued under the *Land Use Planning and Approvals Act 1993*:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2024 / 2025
<b>NPR</b>	4	5											9	
<b>Permitted</b>	1	4											5	
<b>Discretionary</b>	14	6											20	
<b>Amendment</b>	4	2											6	
<b>Strata</b>	1												1	
<b>Final Plan</b>		2											2	
<b>Adhesion</b>														
<b>Petition to Amend Sealed Plan</b>														
<b>Boundary Rectification</b>														
<b>Exemption</b>														
<b>Total applications</b>	24	19											43	242

<b>Ave Days to Approve Nett *</b>	21.8 7	20.21											21.04
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\* Calculated as Monthly Combined Nett Days to Approve/Total Applications

The following table provides specific detail in relation to the planning approvals issued for the month:

**August 2024**

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
110-2024	Akaroa	Additional Use for Visitor Accommodation	S58	10	9
116-2024	Falmouth	Additional Use for Visitor Accommodation	S58	4	3
171-2023 FINAL	St Helens	Final Plan of Survey – 2 Lot Subdivision	FINAL	32	6
096-2024	St Helens	Demolition of Existing Deck and Verandah, Construction of a New Deck and Verandah and Dwelling Alterations	S57	49	48
127-2024	Scamander	Raise Existing Dwelling to Provide Storage Level Underneath	S57	21	21
135-2024	Beaumaris	Construction of a Dwelling	NPR	7	7
294-2022 AMEND	Falmouth	Minor Amendment – Alteration to Deck & Front Setback	S56	18	18
132-2024	Akaroa	Carport	NPR	1	0
106-2024	Scamander	New dwelling & Carport	S57	62	37
120-2024	Beaumaris	Construction of Dwelling & Crossover	S57	40	34
143-2024	St Marys	Additional Use for Visitor Accommodation	S58	7	7
100-2024	Scamander	Dwelling	S58	3	2
128-2024	Binalong Bay	Dwelling Alterations & Additions	NPR	31	4
121-2024	St Helens	Carport	S57	48	37
147-2024	Akaroa	Shed with Verandah	NPR	1	0
149-2024	Beaumaris	Change of Use, Shed to Dwelling	NPR	1	1
140-2023	Binalong Bay	Multiple Dwellings (Semi-Detached) x 2	S57	422	132
202-2024 FINAL	Stieglitz	Final Plan of Survey – 2 Lot Subdivision	FINAL	16	16
097-2024 AMEND	St Helens	Minor Amendment – Reduction in Floor Area & height of Greenhouse and Increase Setback to Existing Dwelling	S56	2	2

**TOTAL 19**

**Denotes Applications Requiring a Planning Authority Decision due to representations being received.**

## Strategic Planning Projects in the 2024/2025 financial year

*Note - The Senior Planner was on leave during the preparation of the report, so this month's table has not been updated.*

Description	Percentage Complete	Current Update
Scamander/Beaumaris Township Structure Plans - Develop Project Brief and engage consultancy to undertake the work.	10%	Project brief will be finalised in time for September Council meeting update.
Break O'Day Council Land Use Strategy 2015 - Project Brief to be developed for implementation	10%	Review of the Land Use Strategy has been completed. Review of Low Density Residential land has commenced. Review of Rural Living Zone has commenced and modifications during the LPS phase have been implemented.
Regional Land Use Strategy - Actively participate in and support the review of the Northern Tasmania Regional Land Use Strategy.	10%	Break O'Day is actively participating in the review of the Northern Tasmania Regional Land Use Strategy (NTRLUS) through the Regional Planning Group (RPG). The RPG has identified a work program to progress the review of the NTRLUS. Stage 1 project brief has been formed and this is ready for request for quote. Separately, the RPG is interacting with the state government through the State Planning Office (SPO) in relation to a Communications Strategy. Additionally, through the SPO and the Local Government Association of Tasmania (LGAT) work is progressing on the structure of the revised regional land use strategy.
Industrial Land Use Study - Complete the 'Scoping Study' and progress the study to identify future demand, land analysis, constraints and opportunities.	25%	The Industrial Land Use Scoping Study draft has been completed. Additionally, a project brief for Industrial Land Use Study has been drafted for consideration internally. This will be progressed once feedback has been considered.

## BUILDING PROJECTS REPORT

### Projects Completed in the 2024/2025 financial year

Description	Location	Updates
Nil		

### Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> <li>Repainting identified as priority which has commenced however completion delayed pending availability of contractor.</li> </ul>
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none"> <li>Expected completion end September 2024 – pending amended scope of works relating to external earthworks, driveway and fencing.</li> </ul>
St Marys Indoor & evacuation Centre	St Marys Sports Complex	<ul style="list-style-type: none"> <li>Expected Completion is December 2024.</li> </ul>
New Toilet Addition & Further Design work	Scamander Sports Complex	<ul style="list-style-type: none"> <li>Works now commenced in relation to Toilet addition expected to be completed by October 2024.</li> <li>Further design work scoping to be determined in consultation with community.</li> </ul>
Air-conditioning upgrades & completion of external painting	Council Office	<ul style="list-style-type: none"> <li>Finishing external repainting end of September 2024;</li> <li>External Signage Upgrades complete;</li> <li>Pending expert advice in relation to required air-conditioning upgrades.</li> </ul>
Small storage shed & Security System installation	St Marys Sports Centre	<ul style="list-style-type: none"> <li>Security contractor engaged, works scheduled to be completed prior to end 2024;</li> <li>Store Shed consultation to be undertaken with committee</li> </ul>

## Approved Capital Works Program – Current & Previous Financial Year - not yet started

Description	Location	Updates
Repair Render & Repaint Front Fascade	Portland Hall, St Helens	<ul style="list-style-type: none"> <li>• Works scoping to be conducted.</li> </ul>
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> <li>• Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.</li> </ul>
Community Consultation, Design & Development Approval Phase – Public Toilet	Falmouth Township	<ul style="list-style-type: none"> <li>• Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.</li> </ul>
Internal Alterations – Design only.	Falmouth Community Centre	<ul style="list-style-type: none"> <li>• Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.</li> </ul>
Demolition & Construction of New Public BBQ Facility and Associated work	Village Green, Binalong Bay	<ul style="list-style-type: none"> <li>• Community Consultation phase completed;</li> <li>• Community feedback to be reviewed and recommendation to be provided to Council.</li> </ul>
Community Consultation, Design & Development Approval Phase – Public Toilet Replacement	Memorial Park, St Helens	<ul style="list-style-type: none"> <li>• Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.</li> </ul>
New Water Refill Stations	Various Locations, including Memorial Park	<ul style="list-style-type: none"> <li>• Locations to be confirmed.</li> </ul>



The below table provides a summary of the building approval issued for the month including comparisons to the previous financial year.

**Building Services Approvals Report**  
**August 2024**


No.	BA No.	Town	Development	Value
1.	2024/00104	St Helens	New Dwelling, Garage, Carport & Deck	\$341,000.00
2.	2022/00242	Beaumaris	New Shed with Amenities	\$34,000.00
3.	2022/00209-AMEND	St Helens	Amended Approval for structural changes - Dwelling (new) & Carport (legalisation)	N/A
4.	2022/00064	Mathinna	New (Dwelling) & Retrospective Approval (Outbuildings)	\$381,000.00
5.	2023/00151	Scamander	New Garage with Amenities & Deck	\$30,000.00
6.	2023/00085	Beaumaris	New Dwelling, Carport & Deck	\$383,000.00
7.	2024/00060	Akaroa	New Dwelling, Carport & Deck	\$550,000.00
8.	2024/00063	Binalong Bay	Alterations & Additions (Existing Dwelling) & New (Secondary Dwelling & Deck)	\$200,000.00
9.	2024/00094	Falmouth	New Dwelling, Veranda & Garage	\$530,000.00
10.	2020/00135	Akaroa	Amended Approval for change to Owner Builder (New Dwelling Deck & Garage)	N/A
11.	2024/00138	Stieglitz	Plumbing only approval - Caravan Park - Drainage & Water	N/A

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2023/2024	2024/2025
	\$5,142,800.00	\$3,774,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2023	2024
	August	\$2,088,700.00	\$2,449,000.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2023/2024	2024/2025
	August	34	15

## ENVIRONMENTAL REPORT

Description	Updates
Dog Management	<p>The Parks and Wildlife Service is continuing to review new dog zones shown in the revised Dog Management Policy (2024) Council adopted in July. When the Parks and Wildlife Service confirms they happy to authorise on their Reserves the same dog access, Council will able to formally Declare those new areas under the Dog Control Act. Dog zones from the 2018 Policy continue remain in force.</p> <p>The Break O'Day Shorebird Working Group gathered to review resources and collaboration for the coming shorebird nesting season, such as signage and temporary fencing.</p>
NRM Committee	<p>Council's NRM Committee meet on 3 September, and received a briefing on the Glamorgan Spring Bay Natural Resource Management &amp; Climate Resilience Strategy from the Landscape Recovery Foundation.</p>
Community Awareness and Engagement	<p>The Irapuna Community Weekend beach walks on 16-18 and 24 August were a success despite some poor weather. Over 130 walkers removed more than 20,000 sea spurge plants and 47 Kg of marine debris from 50km of the Irapuna coast between Wukalina / Mt. William National Park and The Gardens.</p> <p>A Wildcare Tasmania community event, Irapuna Community Weekend was part of National Science Week 2024 and received a grant from Inspiring Australia for shuttle busses to get walkers to and from their long beach walks. It supported by Council, the Parks and Wildlife Service, Tasmanian Walking Company/Bay of Fires Lodge, Tasmanian Aboriginal Land Council and Ansons Bay community groups.</p> 
Climate Change	<p>The Northern Tasmania Alliance for Resilient Councils (NTARC) held a Council Climate Adaptation Planning Workshop. Several staff worked with a climate risk specialist to help reassess and update Council's climate change risks and management of them. NTARC is also working carbon emissions and energy accounting and reporting with all the region's Council's.</p> <p>Council participated a future drought scenario planning workshop for the Tasmanian Drought Resilience Planning project and a northern Plan. And was represented in a working group co-designing the Local Government Climate Change Capability Program, being delivered through the Local Government Association of Tasmania.</p>

## Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2024/2025		2023/2024	
	Persons	Vaccinations	Persons	Vaccinations
July - December	0	0	19	20
January - June	0	0	153	154
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>172</b>	<b>174</b>

#### Sharps Container Exchange Program as of 5 September 2024

Current Year	Previous Year
YTD 2024/2025	YTD 2023/2024
12	16

#### STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

##### Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

#### LEGISLATION & POLICIES:

N/A

#### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

#### VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Development Services Coordinator
FILE REFERENCE	004\010\004\
ASSOCIATED REPORTS AND DOCUMENTS	Current Engineers Report – Collective Consulting Previous Engineers Report - Dale P Luck & Associated

**OFFICER'S RECOMMENDATION:**

1. That Council develop a community engagement strategy which informs the community in relation to the asset conditions and limitations of the building in its current form;
2. That the community engagement is targeted to inform Council regarding the communities proposed uses;
3. Develop initial estimates based on the outcomes of the consultation to enable Council to make a fully informed decision in relation to the future of the building,

**INTRODUCTION:**

This report has been prepared as a result of Council motion to provide a report in relation to rescinding any former decisions in relation to the Exhibition building located at the St Marys Sports Complex.

Expert engineering advice and costings have been prepared to enable Council to make a fully informed decision in relation to the future of the building.

**PREVIOUS COUNCIL CONSIDERATION:****11/22.16.2.235**Moved: Clr J Drummond/ Seconded: Clr I Carter

1. Accept Community Feedback attached, and
2. Provide Endorsement of the attached concept plans for the development of the St Marys Indoor & Evacuation Centre,
3. Progress Construction and Tender Documentation with Successful Consultant.

**CARRIED UNANIMOUSLY****03/24.9.3.325**Moved: Clr J Drummond/ Seconded: Clr K Wright

*A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:*

That Council rescind any former decision to demolish the Exhibition Hall at St Marys Recreation Ground and provide an assurance that the Exhibition Hall will not be demolished.

## CARRIED UNANIMOUSLY

### OFFICER'S REPORT:

The conceptual plans for the development of the St Marys Indoor & Evacuation Centre were developed in accordance with targeted user consultation of the St Marys Sports Complex held on 3 June 2022 at the St Marys Sports Centre. This round of consultation was followed by a broader public consultation phase.

This project brief aimed to achieve the following:

1. Replace the current St Marys Football Clubrooms which has passed its useful life and poses a risk to occupants of the buildings;
2. Replace the existing Exhibition Building (currently St Marys Gym) which has reached the end of its useful life and required improvements to meet community needs are not cost effective;
3. Provide for an indoor space which is multi-use for various community needs such as the community gym, indoor activities, meeting space, evacuation centre, change facilities for sports ground and catering.
4. Enhance community wellbeing and community connections, and
5. Aim to reinvigorate existing sporting clubs.

The construction of the indoor centre is well underway, and Council have requested that a report be provided in relation to the Council decision referenced above.

The previous reporting provided the above advice that the building has reached the end of its useful life and required improvements to meet community needs are not cost effective. This report aims to provide further advice in relation to this matter.

In the event that the Exhibition Building is used by Volunteer Workers then Council has a duty of care under the *Work Health and Safety Act, 2012* to provide as far as practicable, a working environment that is safe and without risks to health and safety. A conditioned space (heated and cooled) to ensure suitable working temperatures is key to ensuring a safe work environment.

The building was constructed by Ken Lohrey in 1954 as a dedicated hall for displays and exhibits to support the Agricultural Annual Show at the time, hence the building being named the Exhibition Building. The history of the building has not been considered as part of the considerations of this report, however, it is understood that the building has some community interest and is of local significance to some residents. The building has previously been known as the "Lions Building" and was under a lease arrangement with the Lions Club of St Marys for an unknown period of time and utilised for storage purposes.

The current lease arrangement is due to be cancelled with the Fingal Valley Neighbourhood House for use of a gym space and relocated to the new Indoor and Evacuation Centre.

An engineering report was prepared by Dale Luck & Associates dated 18 April 2007 and the report is attached for your information. The report was requested due to community concern at the time in relation to the structural viability of the building and requests for maintenance upgrades to

extend the life of the building. Remedial works were recommended, and all works were completed by Council subsequent to the report.

Collective Consulting have reviewed the report provided in 2007 in conjunction with an onsite inspection on 6 May 2024 and provided the attached report.

The report provides clear direction to Council that the existing framing is not suitable for supporting of wall or ceiling linings, this unfortunately renders the building unsuitable as any form of workplace and restricts the buildings use to storage purposes only.

A building of this type, i.e. timber floor, timber frame and weatherboard cladding is typically designed and constructed to last 80 years. The building to date is estimated to be 70 years old, however due to the buildings design the structural failures have reduced the life span of the building.

As part of Councils Asset Management processes Council Officers consider each building individually and consider the following factors:

1. Serviceability (Community Needs and Use)
2. Useful life
3. Structural integrity.
4. Asset conditions assessment;
5. Life Cycle Analysis (Maintenance costs V Renewal).

These assessments inform Council capital works and maintenance programs and inform Council's capital works replacement/renewal program.

Based on the current engineering report recommendations to 'make safe' and extend the life of the building for storage purposes only, the following estimates are provided:

1. Design engineering for 'make safe' and structural remediation = \$8, 000
2. Project Management Costs = \$2, 000
3. Contractor Costs (Materials and Labour) = \$72, 000
4. Contingency: \$5, 000

**TOTAL = \$87, 000 EXCL GST**

Based on the above information the Council Officer's position is that the building has reached the end of its useful life and required improvements to meet community needs are not cost effective. Alternative options for storage can be considered with a new build in a more appropriate location.

There is no budget set-aside for this project at this point in time.

Should the option of maintenance works be carried out it is expected that the annual depreciation will be approximately \$4, 000 per year.

There will be a capital cost associated with demolition and "make good" in the event that this option is proceeded with.

#### **STRATEGIC PLAN & ANNUAL PLAN:**



## Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

### Strategy

Foster a range of community facilities and programs, which strengthen the capacity, wellbeing and cultural identity of our community.

### Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

### Strategy

Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

### Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
2. Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
3. Develop and maintain infrastructure assets in line with affordable long-term strategies.

## **LEGISLATION & POLICIES**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

There is no budget set-aside for this project at this point in time.

Should the option of maintenance works be carried out it is expected that the annual depreciation will be approximately \$4, 000 per year.

There will be a capital cost associated with demolition and "make good" in the event that this option is proceeded with.

## **VOTING REQUIREMENTS**

Simple Majority

Our Ref: 244026 L24-06-24 Rev.A

24<sup>th</sup> June 2024

Break O'Day Council  
32-34 Georges Bay Esplanade  
St Helens TAS 7216

**ATTENTION: J IHEN**

Dear Jake

**BODC – STRUCTURAL ASSESSMENT – ST MARYS RECREATION GROUND – HAREFIELD RD, ST MARYS**

Collective Consulting carried out a structural inspection and brief photographic survey of the Pavilion Building at St Marys Recreation Ground on the afternoon of the 6<sup>th</sup> May 2024. We have carried out a limited structural assessment with a view to establishing the extent of structural damage along with potential causes. Our recommendations have been made to assist council in their decision making regarding this building.

**1 // INSPECTION NOTES**

Typical damage observed was as follows:

- Major displacement and outward bowing of external walls between steel tie rods.
- Deflection of roof sheet.
- External downpipe cut off right at building corner resulting in ponding water.
- Water stains to end wall interior cladding, due to potential water ingress or roof condensation.

Wall and roof damage has largely been caused by long term timber sagging related to the age of the material, and wind load damage due to insufficient bracing.

Due to the age of the building and past repairs, we expect further movement to continue slowly with the exception of the end walls. End walls show minimal signs of displacement.

Generally, the floor, external claddings, and foundations are in good condition given the age of structure, however ongoing maintenance should be expected.

**2 // RECOMMENDATIONS**

After considering the above and discussions in conjunction with yourself, our findings and general recommendations are as follows:

It is our view that the structure has exceeded its design life and that works to extend the life of the building will not be economically rational. We expect the building will exhibit further movement and deflection with or without minor modifications. The building is not suitable as a habitable or conditioned space, and modifications to the building will not make it compliant. The National Construction Code (NCC), defines conditioned space as *a space within a building, including a ceiling or under-floor supply air plenum or return air plenum, where the environment is likely, by the intended use of the space, to have its temperature controlled by air-conditioning.*

We recommend the following options:

Option 1: Demolish and construct a new portal frame structure.

Option 2: The building may be used for storage purposes without modifications. This being the case, it is unlikely that structural failure would result in injury or death, however damage to stored items may occur in this scenario.

Should the council elect to retain the building, we recommend the following works are completed to prolong the building life.

**Foundations:**

- Install air drain to perimeter of wall to prevent rising damp and vent sub-floor to atmosphere.
- All roof water is to be directed to an underground drainage system and dispersed away from the building. New gutter and stormwater infrastructure may be required.
- Currently there is no subfloor ventilation for existing timber floor. Vents should be cut into blockwork to allow air circulation.

**Walls / Roof:**

- Given the outward bowing of the external walls, the roof structure in current condition would not be capable of supporting any additional ceiling, insulation or services.
- Reinstate top plate in accordance with AS1684.
- Install additional proprietary 16mm Reidbraces in between existing steel tie rods to limit displacement.
- Bird proof.

If you wish for Collective to prepare a design for a replacement structure, we would be happy to submit a fee proposal to you.

We have included with this assessment a record of the condition survey conducted as part of the process of preparing this assessment. This survey details the issues noted throughout the building and provides a photographic record of the condition of the building at that time.

Yours faithfully,

John Hayes

Graduate Engineer  
B.E.Hons (Civil) // GradIEAust

Matthew Peart

Director // Senior Structural & Civil Engineer  
B.E.Hons (Civil) // M.E.M // MIEAust // CPEng // NER



PHOTOGRAPHIC SURVEY



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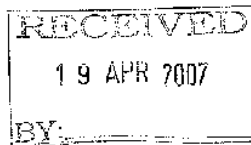
A.C.N 061 127 366 Pty Ltd T/A  
Dale P Luck & Associates



**CONSULTING ENGINEERS**

19 Canning Street, Launceston 7250  
Phone: (03) 6331 7933 Fax: (03) 6334 2583  
E-mail: admin@daleluck.net.au

Our ref: 14891 RG



18<sup>th</sup> April, 2007

Break O'Day Council  
PO Box 21  
ST HELENS TAS 7216

Attention: Jennifer Russell

Dear Jennifer,

**RE: PAVILION BUILDING - ST MARYS RECREATION GROUND**

I carried out an inspection of the above building on Tuesday 3<sup>rd</sup> April 2007 in your presence.

**PURPOSE OF INSPECTION**

- To report on whether the existing timber structure is capable of being re-roofed and having a new plaster board ceiling installed in the building
- To report on the adequacy of bracing of the building
- To make comment on the condition of the timber floor
- To point out any deficiencies in the structure of the building

**EXISTING CONDITIONS**

The existing structure is of timber construction throughout.

- Roof framing consists of 125 x 50mm hard wood rafters @ 600 crs with collar ties. However the rafters have bent at the collar tie location and steel tie rods have been placed at wall top plate level in 6 locations along the building. This is not very satisfactory
- There is no ceiling and in fact the existing structure will not support a ceiling
- Roof bracing is not sufficient. It does not comply with today's Wind Code. Roof bracing is being provided by the corrugated iron cladding
- Walls are of timber stud construction and clad on the outside with vertical hardwood boards in fair condition. Internal linings are hard board. There is no way of checking the extent of any wall bracing without removing all the internal linings

Specialising In:

- CIVIL
- MUNICIPAL
- STRUCTURAL
- HYDRAULIC
- QUALITY CONTROL
- RISK ASSESSMENT

- The timber floor appears to be in very good condition. There is no detectable spring in the floor. Some deterioration of external wall cladding has occurred where concrete ramps have been built adjacent to the wall cladding

#### **REMEDIAL WORK REQUIRED**

- Clear out drains along the east and west sides of the building where silt and debris have built up
- Replace roof cladding with new custom orb Colorbond complete with flashings and eaves gutter and down pipes
- The existing external cladding of vertical timber boards is generally sound for its age. There is no need to replace the cladding. Replace individual rotten and split boards. Repaint exterior
- The need to put in a ceiling, and address the problem of a lack of bracing may be overcome with the addition of some steel portal frames. These would be placed inside the building at approximately 4.0 metre centres.

They will perform the dual purpose of supporting a new ceiling and the lack of lateral bracing in the building. Installing portal frames will mean that the outside building appearance will remain the same

Should you wish us to prepare a design of the portal frame with associated footings and bracing etc we would be pleased to submit a quotation to you.

I trust that the above fulfills your requirements at this time.

If you have any queries, please ring me.

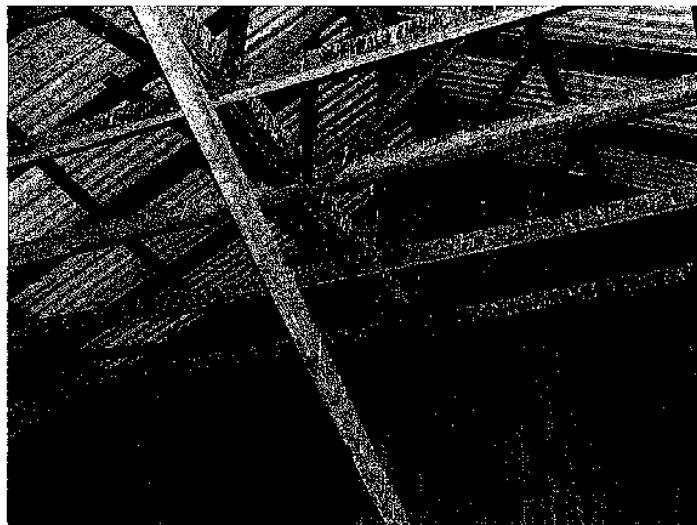
Yours faithfully,

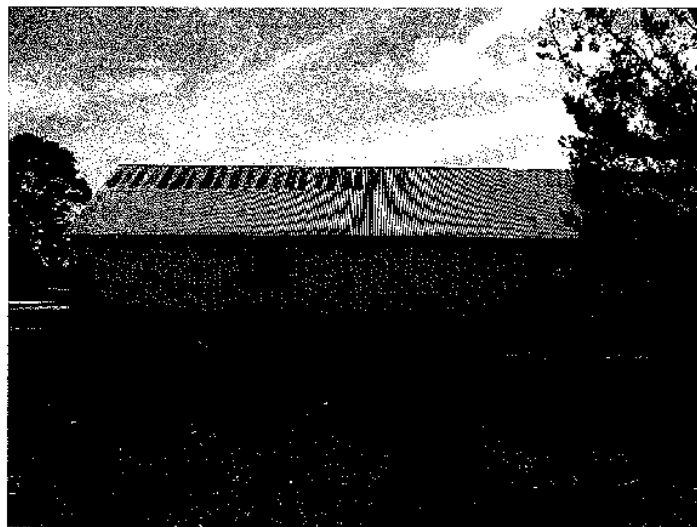
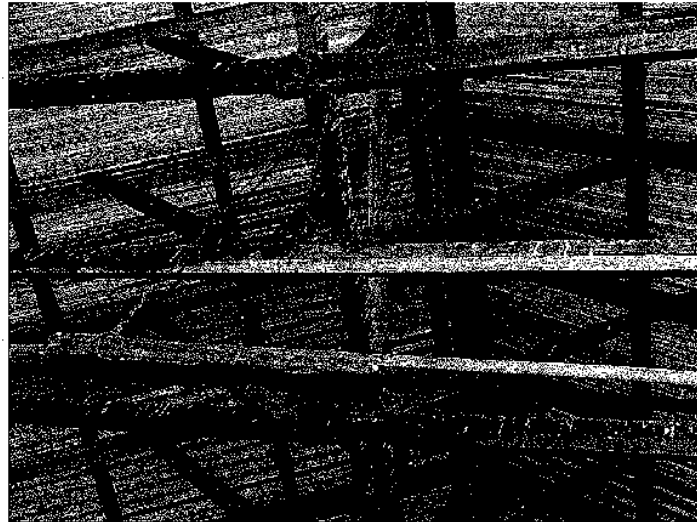
**DALE P. LUCK & ASSOCIATES**

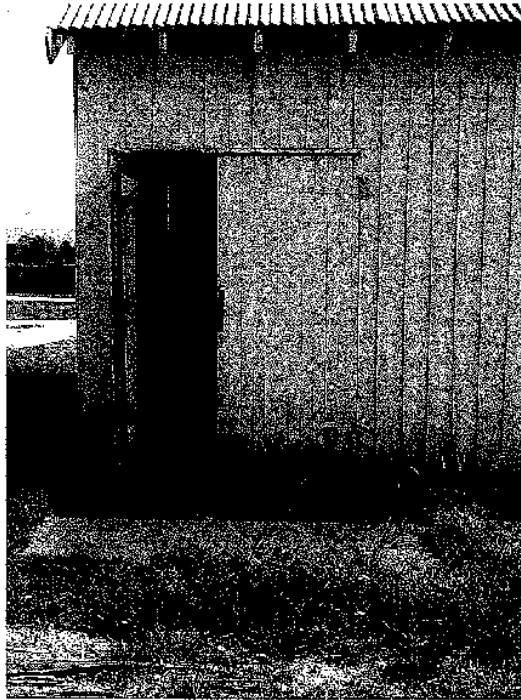


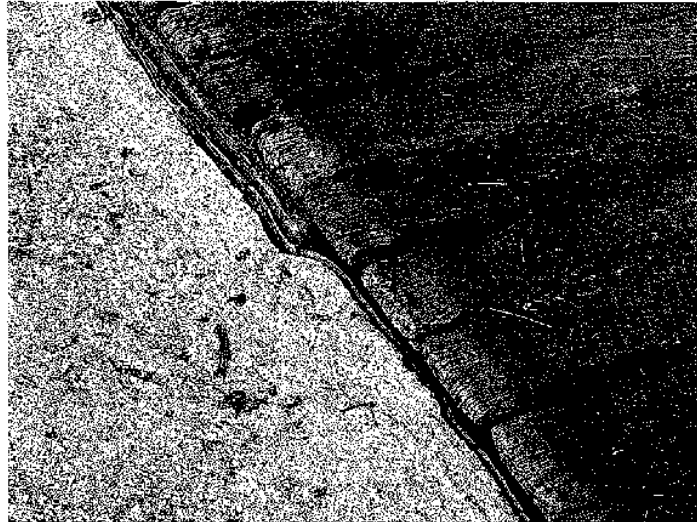
Rodney J. Gowland MIEAust CPEng

Encl. Sketch & Photos



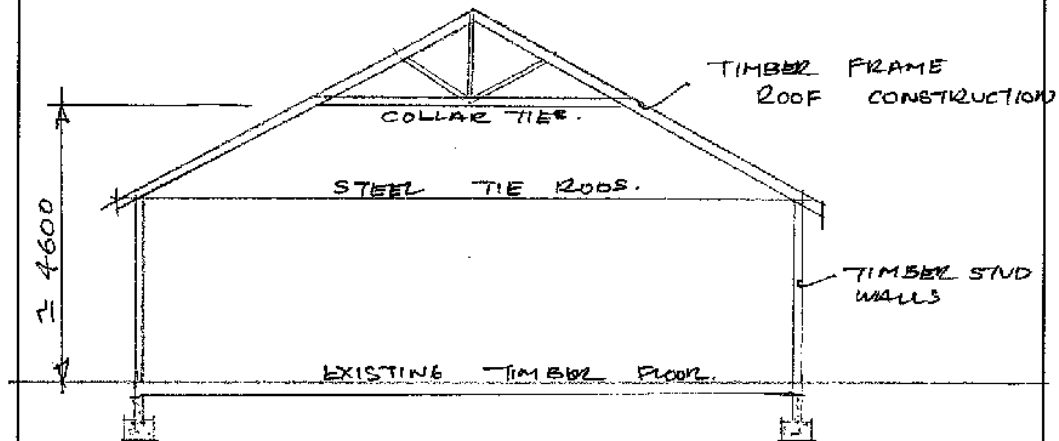




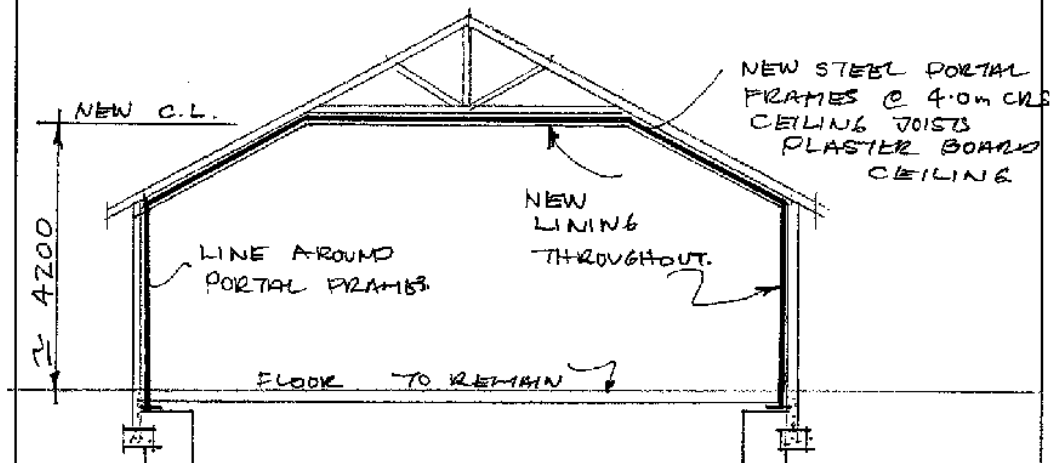




Client BREAK O' DAY COUNCIL CONSULTING ENGINEERS  
Project ST. MARYS REG GROUND PAULION  
Prepared by ROD GOWLAND Date 18.4.07 Sheet 1 of 1  
Reference Drawings..... File No. 14891



**EXISTING CROSS SECTION**



**PROPOSED CROSS SECTION.**

P&P 06785 NZ108 M1

ACTION	DECISION
PROPONENT	Officer
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	003\003\014\
ASSOCIATED REPORTS AND DOCUMENTS	EP05 - Dog Management Policy

**OFFICER'S RECOMMENDATION:**

That Council receive a report on the status of its *Dog Management Policy (EP05)* adopted in July with dog zones yet to be formally Declared, pending feedback from Tasmania Parks and Wildlife Service, and review progress again at its October Meeting.

**INTRODUCTION:**

The purpose of this report is to update Council on progress with the Parks and Wildlife Service reviewing of Council's revised Dog Policy and in particular the intended Declared areas (dog zones) it includes, that PWS would need to also authorise on Reserves they manage.

**PREVIOUS COUNCIL CONSIDERATION:**

Council discussed at its September 2024 Workshop the status of the revised Dog Management Policy and feedback from the Parks and Wildlife Service on the intended Declared areas (dog zones) on Reserves they manage.

**Council Meeting 15 July 2024**

**07/24.16.3.418**      Moved: Clr Chapple/ Seconded: Clr LeFevre

That Council adopt the revised *Dog Management Policy 2024* including dog zones (Declared areas), having considered public submissions on a draft and noting the Declared areas it identifies are subject to the Parks and Wildlife Service agreeing to authorise the same on Reserves they manage.

**CARRIED UNANIMOUSLY****Council Meeting 24 June 2024**

**06/24.16.2.395**      Moved: Clr Chapple / Seconded: Clr Wright

That Council receive the report on public submissions on the *Draft Revised Dog Management Policy May 2024*.

**CARRIED UNANIMOUSLY****Council Meeting 15 April 2024**

**04/24.16.2.350**      Moved: Clr K Chapple / Seconded: Clr K Wright

Council adopt the draft *Revised Dog Management Policy 2024*, including intended Declared areas, and invite community comment and submissions on the draft.

**An amendment was moved:**

**04/24.16.2.351**      Moved: Clr L Johnstone / Seconded: Clr J Drummond

Council adopt the draft *Revised Dog Management Policy 2024*, including intended Declared areas, and invite community comment and submissions on the draft, with an amendment to include Templestowe Beach, Seymour as an on lead area.

**CARRIED UNANIMOUSLY**

**The amendment becomes the motion**

**CARRIED UNANIMOUSLY**

#### **OFFICER'S REPORT:**

##### **Background**

Council adopted at its July Meeting a revised *EP05 - Dog Management Policy*, including new Declared areas (dog zones), having consulted the community on a draft and considered submissions showing a range of agreement or disagreement, views and suggestions.

Tasmania Parks and Wildlife Service (PWS) manages National Parks and Reserves for legislated wildlife conservation and other objectives and must authorise any dog access under their regulations. Council collaborates with the PWS in the review of its Policy to mediate public demand and concern for dog access and ensure there are consistent rules in Break O'Day.

Council adopted its new Dog Management Policy with dog zones (Declared areas), subject to the PWS agreeing to authorise the same dog zones or access on Reserves they manage, which is noted in the Policy.

##### **Completing the Policy review**

The PWS has advised that they are still reviewing Council's report on community consultation and the revised Dog Management Policy and in particular the Declared areas identified in the Policy.

PWS is currently developing a statewide approach to dog management and Break O'Day's new Dog Management Policy has been caught up in that process. Authority under their Reserve Regulations is also now made at a state, rather than regional level. They are also applying an internal assessment and approvals process to changes in activities (dog access) on Reserves.

Until there is agreement to authorise the same dog access and zones on the Reserves PWS manages Council is not able to finally Declare them, under the *Dog Control Act* with a Public Notice. That advice from PWS may not be available until the end of October.

## Current dog zones (Declared areas)

Existing dog zones in Break O'Day will continue to apply until Council formally declares the new ones under the *Dog Control Act*. They were declared for a six year period in 2019, ending on 14 January 2025.

Council's dog management program will continue to promote responsible dog ownership over the 2024-25 summer beach and shorebird breeding season. It is collaborating with PWS locally and community interest groups through the Break O'Day Shorebird Working Group to coordinate education and enforcement activities.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017 – 2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Strategy

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.

### Break O'Day Annual Plan 2023 – 2024

#### *Key Focus Area:*

3.3.1 Land and Water Management - Develop and implement strategies and activities that prevent land degradation and improve water quality within our rivers, estuaries and coastal areas.

#### *Actions:*

3.3.1.5 Dog Management - Review Dog Management Policy collaboratively with Parks & Wildlife Service, interest groups and the community and continue implementation.

## LEGISLATION & POLICIES:

### *Dog Control Act 2000*

(Including amendments in 2019, after Council's current Policy was made).

### *National Parks and Reserves Management Act 2002*

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

Council's Budget makes provision for new signage, required by the Dog Control Act, to be produced after the new dog zones are finally Declared.

There will also be implications for education, information and enforcement operations with changes to the Policy and Declared areas coming into force.

#### **VOTING REQUIREMENTS:**

Simple Majority

## POLICY NO EP05 DOG MANAGEMENT POLICY 2024

<b>DEPARTMENT:</b>	Development Services
<b>RESPONSIBLE OFFICER:</b>	Manager Infrastructure & Development Services
<b>LINK TO STRATEGIC PLAN:</b>	To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.
<b>STATUTORY AUTHORITY:</b>	Dog Control Act 2000
<b>OBJECTIVE:</b>	Council aims to achieve a balance between the reasonable expectations of dog owners and the community. Dogs and their owners shall have the opportunity to enjoy what the Break O'Day Municipality has to offer them, whilst safety and amenity for the community are maintained and wildlife are protected from harm.
<b>POLICY INFORMATION:</b>	Adopted 8 November 2010 – Minute No 11/10.14.3.284 Amended 9 November 2011 – Minute No 8/11.14.3.302 Amended 17 September 2012 – Minute No 09/12.14.8.250 Amended 17 June 2013 – Minute No 06/13.11.14.160 Amended 15 December 2014 – Minute No 12/14.14.5.370 Amended 17 December 2018 – Minute No 12/18.15.5.315 Corrected (map) 9 January 2019 - Minute No 12/18.15.5.315 Amended 15 July 2024 – Minute No 07/24.16.3.418.

### POLICY

#### 1 PREAMBLE

In the Break O'Day Municipality, the *Dog Control Act 2000* regulates the control and management of dogs. It requires Break O'Day Council develop and implement a policy on dog management in the municipality and gives it certain powers in relation to the management of dogs, including declaring dog access areas.

Dogs are the valued companions of many residents and visitors, young and old and some keep one or more working dogs. All have legal and ethical responsibilities to their dogs and the community. However not everyone in Break O'Day values dogs the same. Community health, safety and enjoyment of urban life and the outdoors can be detrimentally affected by poor care and control of dogs.

Break O'Day is also home to a diverse range of native animals. Some of our wildlife can be harmed by dogs; unwittingly or carelessly, in play or through natural behaviours and hunter instincts. Our coasts are the habitat for many 'shorebirds' and most of these are in reserves such as National Park and Conservation Area, which are managed primarily for the conservation of natural values by Tasmania Parks and Wildlife Service.

Shorebirds face enough natural challenges to their survival as it is; some migrate thousands of kilometres to feed and breed here. Because our beaches are so popular with people many shorebirds face additional pressures which have reduced their numbers and pushed some species



to the brink. Several species are threatened with extinction and are listed in state and national laws to protect them. Among other factors, disturbance and harm from dogs is a known factor of shorebird decline.

Council, with the community and Parks and Wildlife Service, can create guidelines and set boundaries to provide an equitable balance between people, dogs and wildlife. This policy provides for those who do not own dogs or may be adversely impacted by them, those who own a dog and need places for the enjoyment and exercise of their dog, and those who speak up for the native wildlife and natural values of the municipality.

This policy and its Declared areas do not represent all regulation of dogs or all dog access rules in Break O'Day municipality. Other conditions do apply elsewhere on Reserves, other authority land and also under the Dog Control Act. Dog owners must check for and be aware of other requirements and regulations.

## 2 CODE RELATING TO RESPONSIBLE OWNERSHIP OF DOGS

### 2.1 Entitlements

- Individuals are entitled to own one or more dogs.
- The community is entitled to expect that dog owners will be responsible and not create a nuisance and responsible dog owners are entitled to the community's respect as a dog carer.
- Individuals and the community are entitled to be consulted on plans that are likely to affect enjoyment of their local area in relation to the management of animals.
- Council is entitled to expect that dog owners will be responsible and register their dogs.

### 2.2 Responsibilities

*Individuals are responsible for ensuring:*

- a) their dog is well fed and cared for.
- b) their dog is provided with adequate shelter from the elements.
- c) their dog is fully vaccinated.
- d) their dog is exercised in an appropriate manner.
- e) their dog is exercised in public areas in designated locations.
- f) their dog is always under effective control including when off lead.
- g) their dog does not cause a nuisance to neighbours or the community.
- h) their dog is not a threat or menace to members of the community or other animals.
- i) they collect the faeces their dog drops promptly and dispose of them properly.
- j) they are aware of the rights and responsibilities for the care and exercise of dogs.
- k) compliance with all regulations under the *Dog Control Act 2000*, including this policy.

*Council is responsible for:*

- a) Ensuring that sufficient public consultation is carried out regarding any changes that may affect the community or dog owners.
- b) Fulfilling its obligations under the *Dog Control Act 2000*.
- c) Dealing with nuisances, complaints and non-compliance in a timely, fair and effective manner.
- d) Establishing dog zones to provide access to areas for the reasonable exercise needs of dogs and their owners and to protect public health and safety, natural values and amenity.
- e) Encouraging responsible dog ownership through education, awareness and enforcement and public facilities for dogs.
- f) Supporting pensioners, guide dogs and early payment of registration with discounted fees.
- g) Undertaking regular reviews of this policy.

### 3 DOG MANAGEMENT ZONES – DECLARED AREAS

This section sets out Council's policy in relation to Declared areas having considered community views and consulted the Tasmania Parks and Wildlife Service (PWS) on a draft revised Policy and Declared areas for 2024. The current areas Council Declared on 14 January 2019 remain in force for six years.

The new Declared areas in this revised policy are subject to the Tasmania Parks and Wildlife Service support to authorise the same dog access conditions under their Reserve management legislation. These new Declared areas are Council policy but will not come into force until Council publishes a public notice in accordance with Sec. 25 of the *Dog Control Act 2000*.

#### 3.1 Exercise Areas

Access for the exercise and general recreation of dogs while under effective control on sections of beaches and areas of parks and reserves with facilities. Providing for the welfare, good care and wellbeing of dogs and their owners. These are off lead areas.

##### 3.1.1 Dog Off Lead (exercise) beaches

Areas where dogs are allowed off lead under escort by their owner or competent person and must remain under effective control. Dog controllers are to remain mindful of other people and wildlife in the area.

Beaches with sections available for dog off lead exercise are at:

- 3.1.1.1 Ansons Bay (Boronia Street)
- 3.1.1.2 Steiglitz beach (two)
- 3.1.1.3 Maurouard Beach (middle, area designated for recreational vehicle use)
- 3.1.1.4 Ring Rock (Dianas Beach, opp. Paddys Island)
- 3.1.1.5 Beaumaris (south of Yarmouth Creek.)
- 3.1.1.6 Scamander (Byatt Court to Wrinklers Lagoon and section of Steeles Beach south of River mouth)
- 3.1.1.7 Mariposa Beach
- 3.1.1.8 Four Mile Creek Beach (middle)
- 3.1.1.9 Chain of Lagoons campground (section north of day use carpark)
- 3.1.1.10 Seymour (Long Point south beach)

Dog Off Lead exercise beaches and are shown on the attached maps.

##### 3.1.2 St Helens Sports Recreation Grounds – 'Dog Yard'

At the corner of Eagle and Young Streets, access off Eagle Street.

##### 3.1.3 Two Exercise areas at St Marys

Two dog park areas are proposed for St Marys for off lead dog exercise and are shown on the attached maps. One at the St Marys Sports Grounds and one near the old railway station open space land on Main St. These two Exercise areas would not be formally Declared by Council until after necessary infrastructure is installed.

Dog Off Lead exercise areas (dog parks) are shown separately on the attached maps.

### 3.2 Training Areas

Areas of Council parks and reserves where dogs may be trained subject to any specified conditions.

#### 3.2.1 St Helens Sports Recreation Grounds

Attached to the St Helens Sports Recreation Grounds 'Dog Yard', at corner of Eagle and Young Streets, access off Eagle Street. As shown on the attached map.

### 3.3 Restricted Areas

Areas where dog access is restricted: to certain hours, days or seasons when kept on a lead, or not allowed at any time.

**Note:** Section 4 of the Dog Control Act 2000 stipulates a dog lead must be no longer than 2 metres in length in these Declared 'Dog On Lead' areas and is also required for dogs in public places when "on a road or road-related area in a built-up area".

#### 3.3.1 Dog On Lead areas

'Dog On Lead' access opportunities for dogs and their owners to various coastal, foreshore, township open space areas and streets are provided to also protect public health and safety and wildlife. Includes Mt Poimena day use area (and MTB trailhead) in Blue Tier Regional Reserve. Dogs must be kept on a lead at all times in these areas.

These areas are shown as 'Dog On Lead' on the attached maps.

#### 3.3.2 Beaches with seasonal and daily restrictions

##### 3.3.2.1 Taylors Beach

Area: From Big Lagoon Creek to Sloop Lagoon

Restriction: Dogs prohibited from 1 October to 31 March, to protect wildlife. On lead at all other times.

##### 3.3.2.2 Binalong Bay Beach

Area: Length of the beach and including Gants Lagoon mouth and spit, as far as the northern beach access at Lyall Road.

Restriction: Dogs prohibited from 1 October to 31 March for public health and safety and the protection of wildlife. On lead at all other times.

##### 3.3.2.3 Boat Harbour Point, Binalong Bay

Area: Two sheltered rockpools opposite Bay View Avenue and surrounds.

Restriction: Dogs prohibited from 1 October to 31 March for public health and safety. On lead at all other times.

##### 3.3.2.4 Maurouard Beach

Area: Northern section outside area designated for recreational vehicle use.

Restriction: Dogs prohibited from 1 October to 31 March to protect wildlife. On lead at all other times.

##### 3.3.2.5 Scamander River mouth

Area: The northern bank, sand spit and shoals area at the river mouth. Southern boundary is 50m from rock-wall lining the south bank and then a line due east.



Restriction: Dogs prohibited from 1 October to 31 March for the protection of wildlife (high significance, breeding area) and public health and safety. On lead at all other times.

On the eastern (seaward) edge of this area only, when a dog is On Lead and *on the wet sand* (below the last high tide mark), transit directly between the On Lead areas north and south is permitted from 1 October to 31 March.

#### 3.3.2.6 Denison Beach

Area: From Porch Rocks to Denison Rivulet.

Restriction: Dogs prohibited from 1 October to 31 March to protect wildlife. On lead at all other times.

Beaches with seasonal and daily restrictions are shown on the attached maps.

### 3.3.3 Other Restricted Areas where dogs are not allowed.

In certain places dogs are not allowed at all (prohibited at all times), to protect public amenity, health and safety and wildlife.

#### 3.3.3.1 St Columba Falls

Area: Area at of St Columba Falls walking trail and carpark on St Columba Falls Road.

Restriction: Dogs are prohibited at all times, to protect public health and safety and wildlife.

#### 3.3.3.2 St Helens Aerodrome

Area: St Helens Aerodrome fenced airstrip and aerodrome facilities area, Aerodrome Road St Helens.

Restriction: Dogs are prohibited at all times, to protect public health and safety.

#### 3.3.3.3 St Helens Mountain Bike Trails (MTB Trails)

Area: Flagstaff Stacked Loops and Town Link Trail (20m corridor) and trailheads. And Bay of Fires Trail and Blue Tier Decent (20m corridor), but not the Mt Poimena (Blue Tier Regional Res.) day use area (and MTB trailhead).

Restriction: Dogs are prohibited at all times, to protect public health and safety and wildlife. At Council's discretion organised events involving dogs may be individually and conditionally allowed.

#### 3.3.3.4 St Helens Recreation Grounds

Area: All of the sports complex regardless of whether sport is being played, except for the Declared Dog Exercise and Training Areas on the corner of Eagle and Young Streets.

Restriction: Dogs are prohibited at all times, to protect public health and safety. At Council's discretion organised events involving dogs may be individually and conditionally allowed.

#### 3.3.3.5 Sports grounds and golf courses other than St Helens Recreation Ground.

Area: The playing fields and playing areas (regardless of whether sport is being played).

Restriction: Dogs are prohibited at all times (from surfaces of playing fields and playing areas) to protect public health and safety but may be taken elsewhere if on a lead at all times. At Council's discretion organised events involving dogs may be individually and conditionally allowed.

#### 3.3.3.6 St Helens Wharf

Area The loading area designated by Marine and Safety Tasmania.

Restriction: Dogs are prohibited at all times, to protect public health and safety including marine produce.

These other Restricted areas (except for 3.3.3.5) are shown on the attached maps. Note that while they are Declared as 'Restricted' under the Dog Control Act (Sec. 23), those that prohibit dogs at all times are shaded on the maps the same as 'Prohibited' areas (3.4 below).

### 3.4 Prohibited Areas

#### 3.4.1 Wildlife habitat areas

Areas containing sensitive habitat for native wildlife.

Area Various sections of coastline and beaches, islands and islets and other inland native habitat areas, including parts of reserves where dogs are not permitted. These are shown on the attached maps.

Prohibited: Dogs are prohibited at all times to protect shorebirds, migratory birds and other wildlife from disturbance from disturbance and harm.

#### 3.4.2 Temporary wildlife habitat protection

Localised areas containing sensitive habitat for native wildlife from time to time, such as seasonal bird nesting areas.

Area An area identified at the General Manager's discretion and following a request of the Parks and Wildlife Service, that is marked by fencing on the ground, signs and public communications indicating the temporary exclusion area. These are not shown on the attached maps.

Prohibited: Dogs are prohibited from these areas marked by temporary fencing and signage, to protect significant shorebirds, migratory birds or other wildlife from disturbance and harm. The need for such protection can occur at short notice.

**Note:** Under Section 28 of the Dog Control Act 2000 the following areas are prohibited public areas.

- a) any grounds of a school, preschool, kindergarten, crèche or other place for the reception of children without the permission of a person in charge of the place; or
- b) any shopping centre or any shop; or
- c) the grounds of a public swimming pool; or
- d) any playing area of a sportsground on which sport is being played; or
- e) any area within 10 metres of a children's playground.

In National Park and several other classes of Reserve the *Tasmanian National Parks and Reserves Management Act* and its Regulations will not permit dogs.

#### **4 FEE STRUCTURE**

Council utilises its current *Schedule of Fees and Charges* as an additional method of promoting responsible dog ownership. Discounts are provided to those who make early payment.

#### **5 APPLICATION**

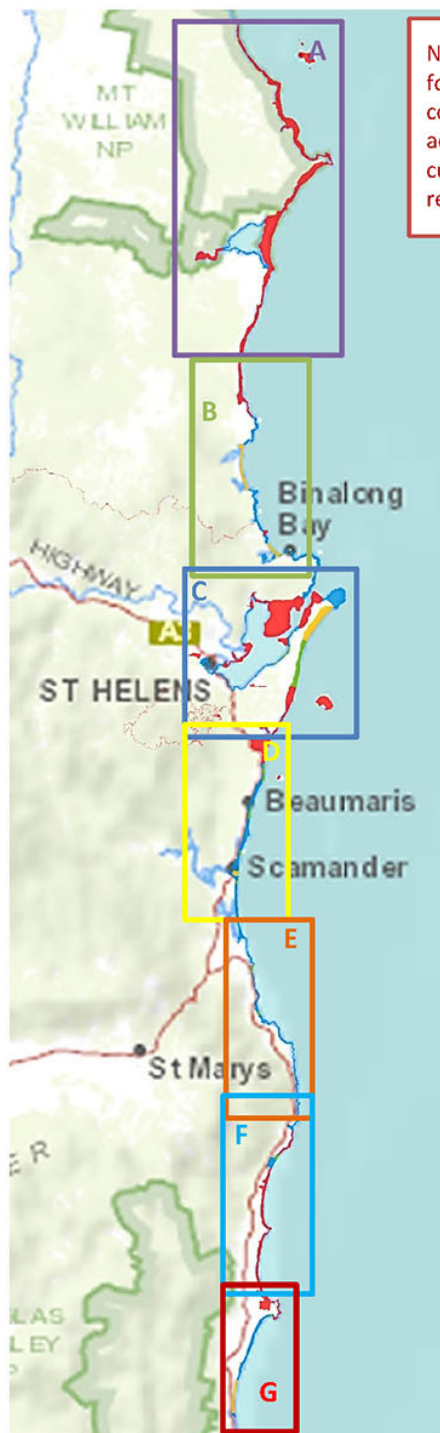
This policy applies to the Break O'Day municipal area in its entirety. However as noted in the Preamble, the Declared areas included do not represent all dog access, regulation and control of dogs in the municipality.

#### **6 REVIEW**

This Policy will be reviewed every five (5) years in line with Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.



## Maps of Proposed New Declared areas Revised Dog Management Policy July 2024



NOTE: While included as policy, these Declared areas are not in force until Council publishes a public notice. And that is subject to confirmation by the Parks and Wildlife Service of the same dog access being Authorised on Reserves they manage. Until then current Declared areas that Council Declared on 14 January 2019 remain in force. a

### Index Map and Legend

- Dog Off Lead Exercise Beach
- Dog On Lead
- Exercise area (dog park)
- Restricted (seasonal conditions)
- Training area
- Prohibited

To view an online map of dog zones (2019 Declared areas) currently applying see Council's website:  
[www.bodc.tas.gov.au/property/dogs/](http://www.bodc.tas.gov.au/property/dogs/)

See our website for updates on these new dog zones coming into force, a copy of this revised Policy, or contact Council on (03) 6376 7900 / [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

Refer to the Policy text for detail on conditions and terms applying to Restricted and other Declared dog zones.

These mapped dog zones and this Policy do not represent all dog access rules or all regulation of dogs in Break O'Day municipality. Dog owners must check for and be aware of other requirements and regulations. Further legislated conditions and controls apply elsewhere on PWS managed Reserves and other public land.



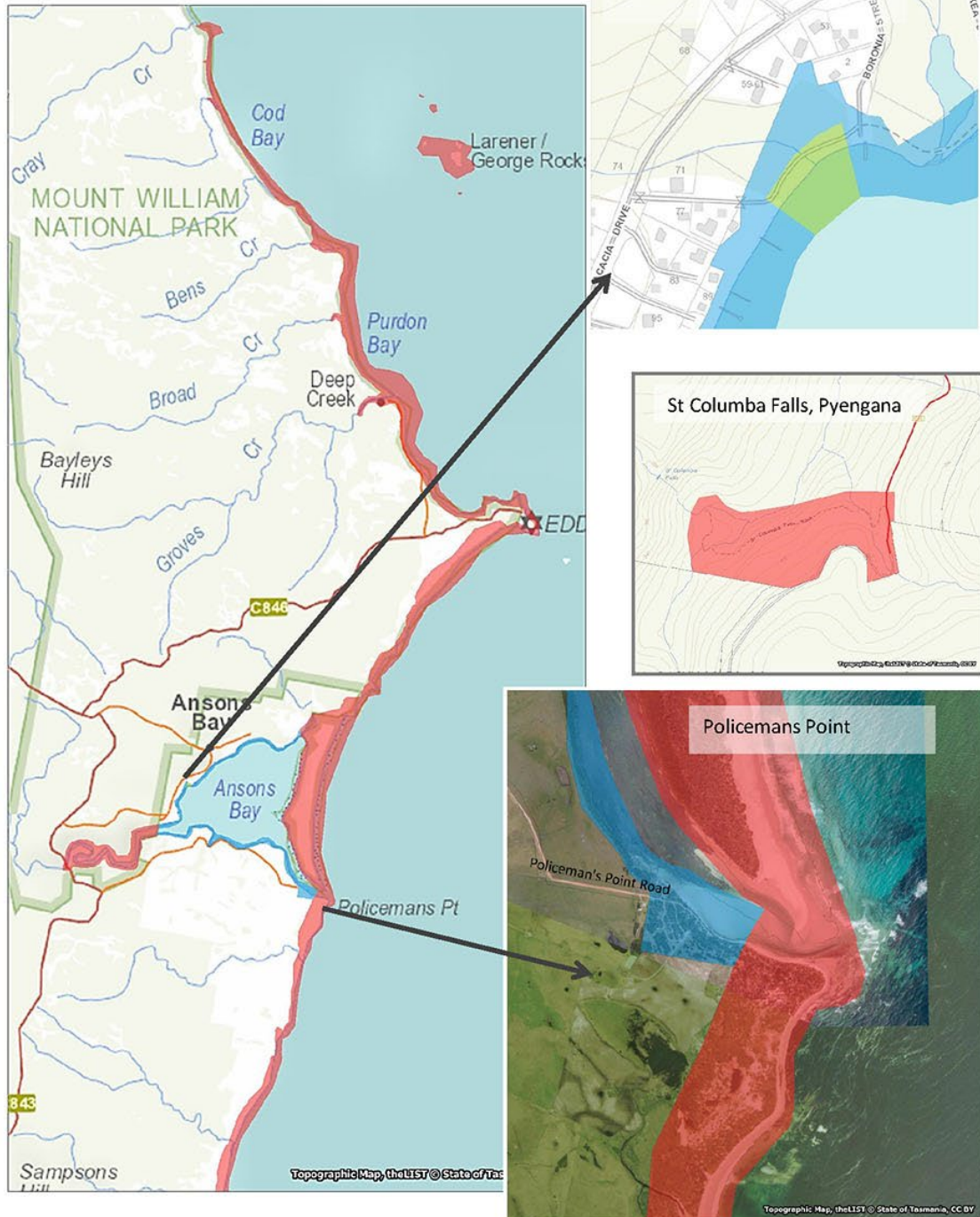
DogZones\_BODC\_adopted150724.TAB

Base image by TASMAR (www.tasmap.tas.gov.au)

Base data from theLIST (www.thelist.tas.gov.au),

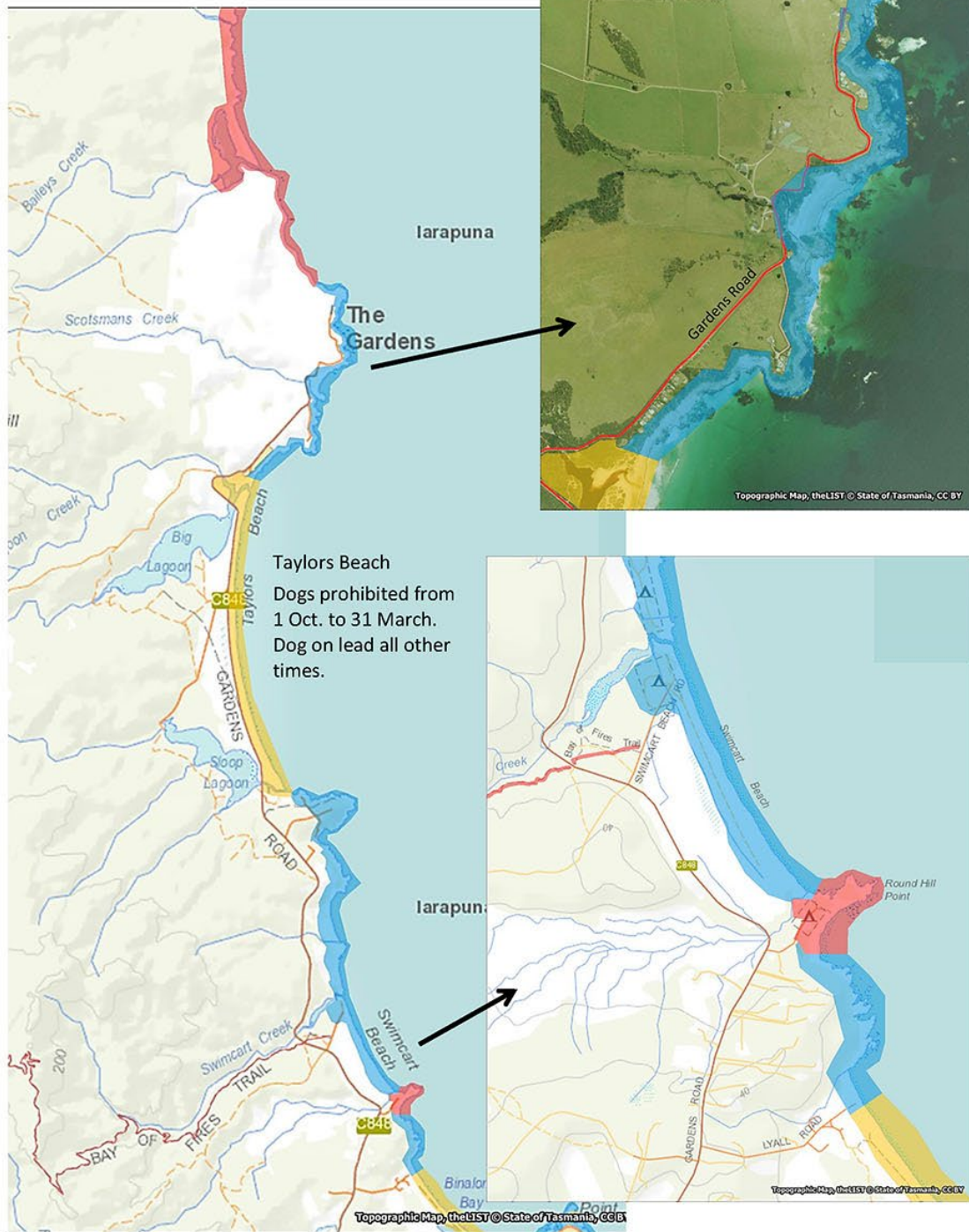
© State of Tasmania

**A** wukalina/Mt William - Irapuna/Bay of Fires  
And St Columba Falls, Pyengana

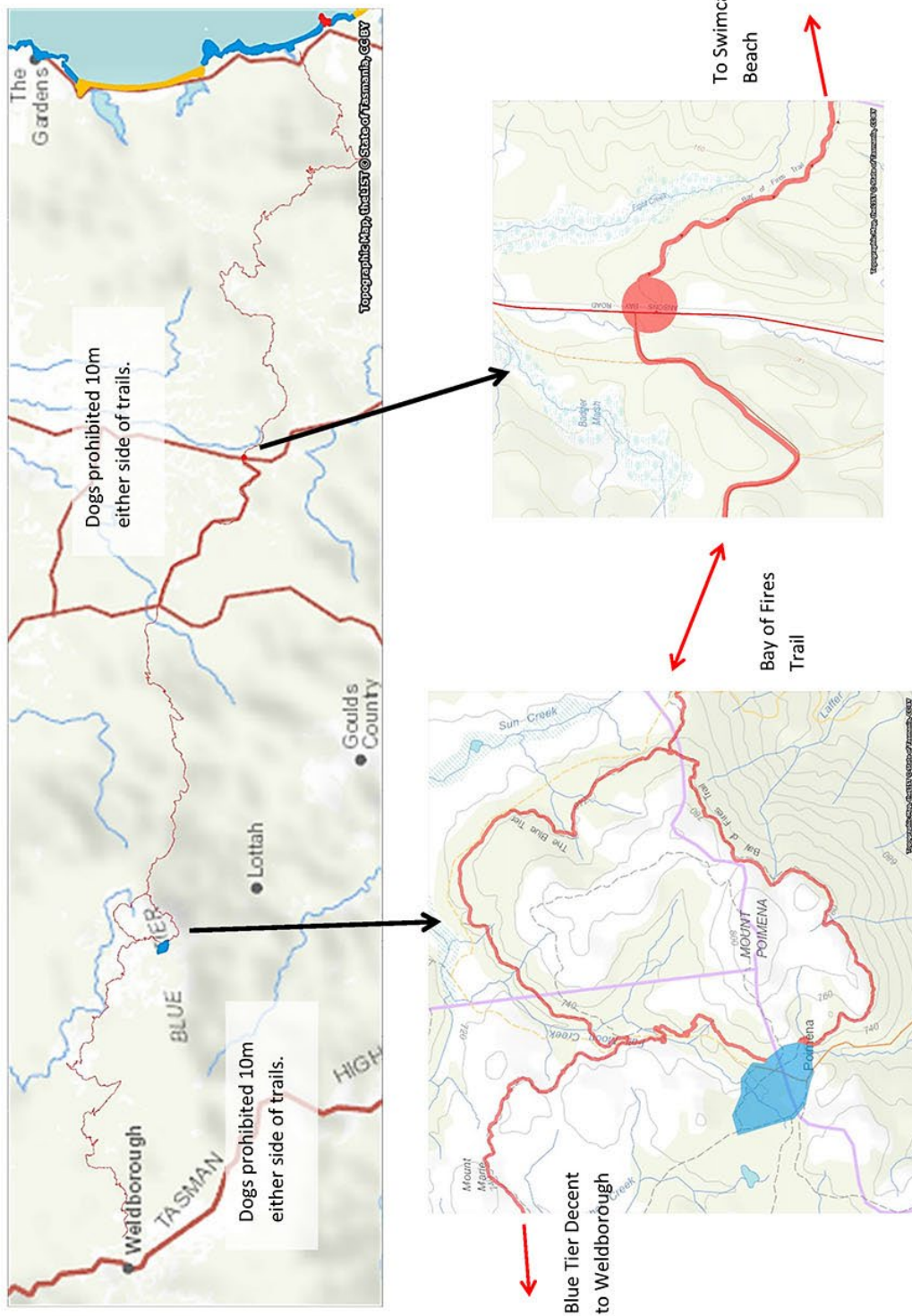




## B The Gardens – Binalong Bay



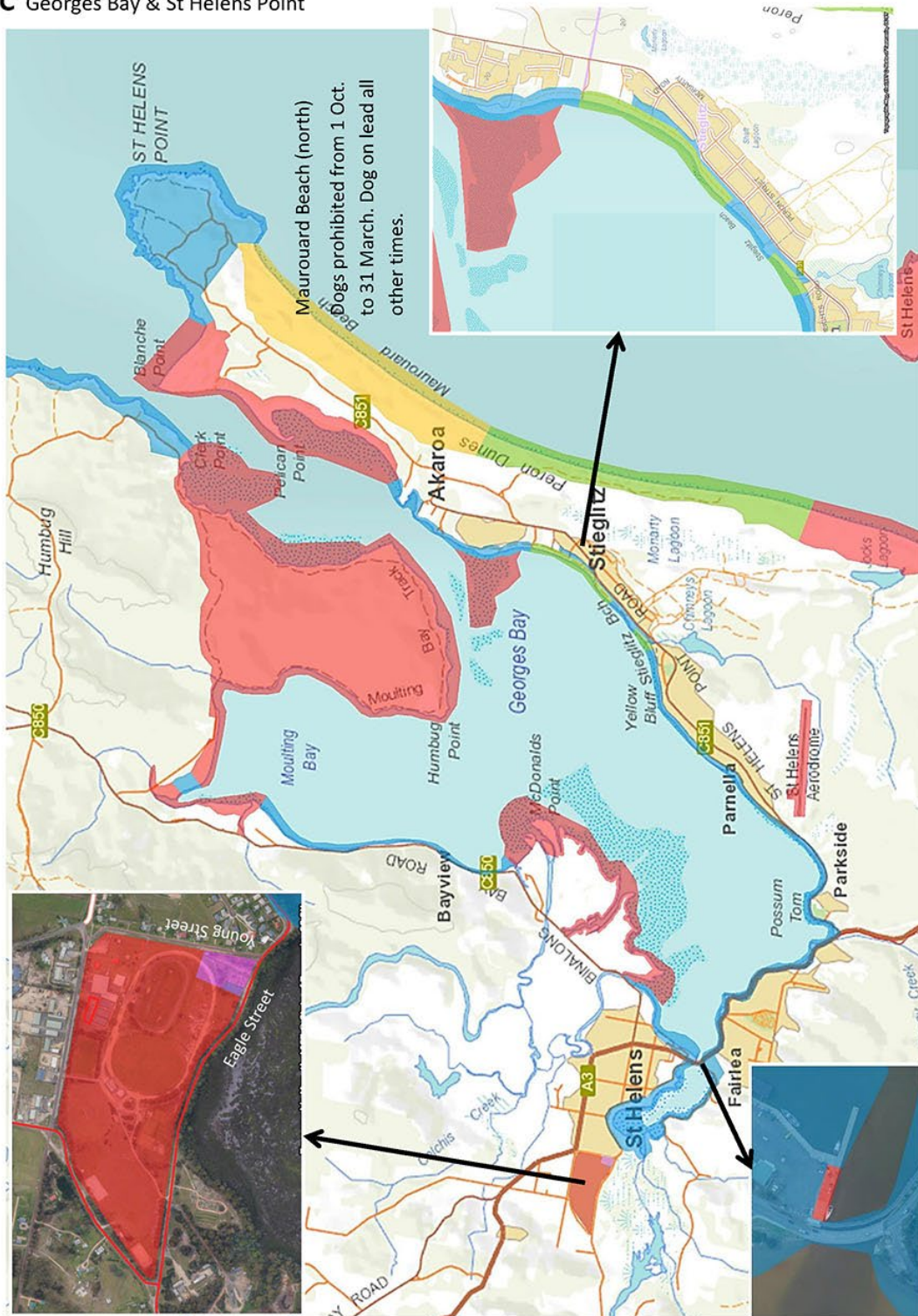
## B Blue Tier/Piomena Mountain Bike Trails







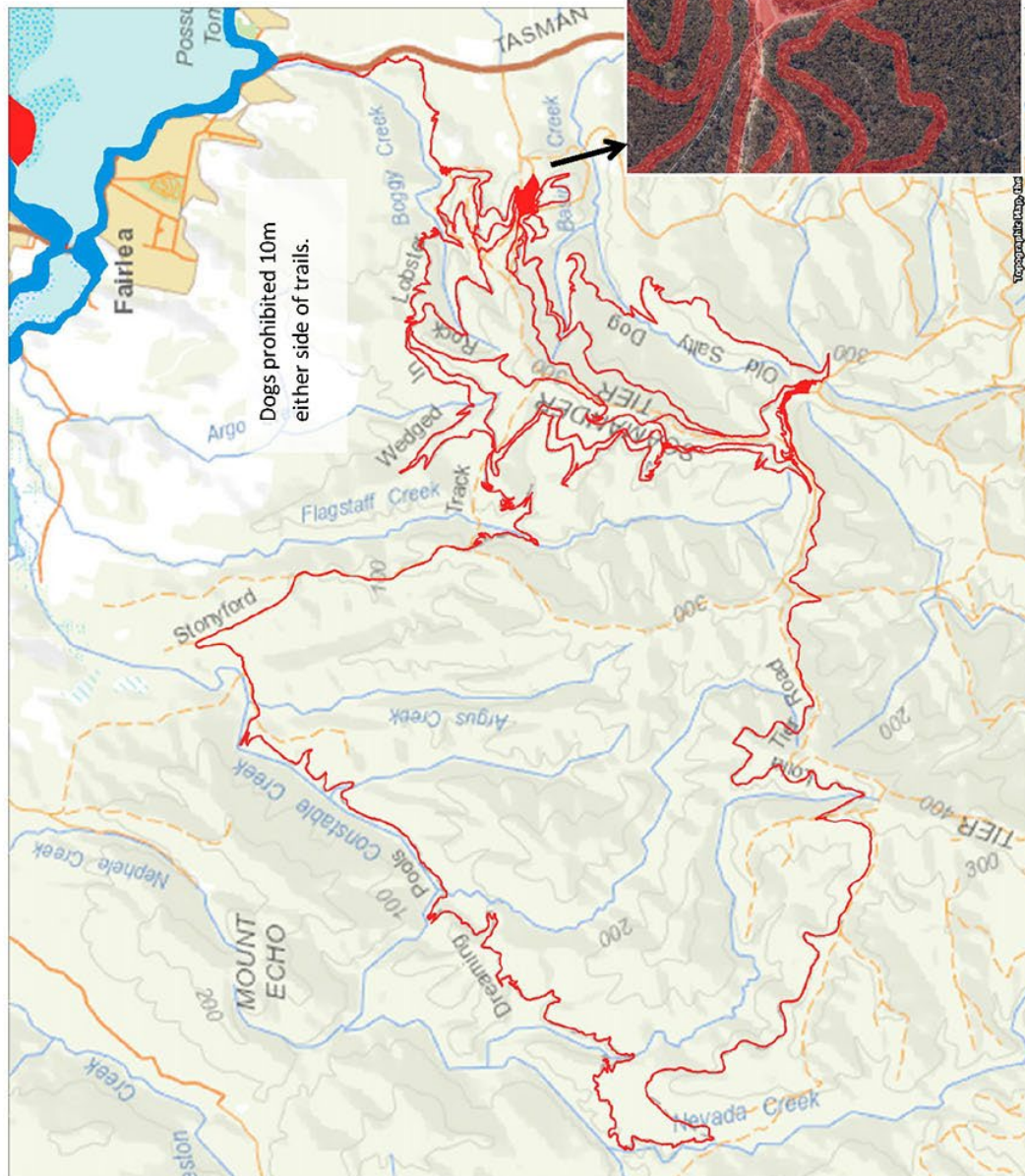
**C** Georges Bay & St Helens Point



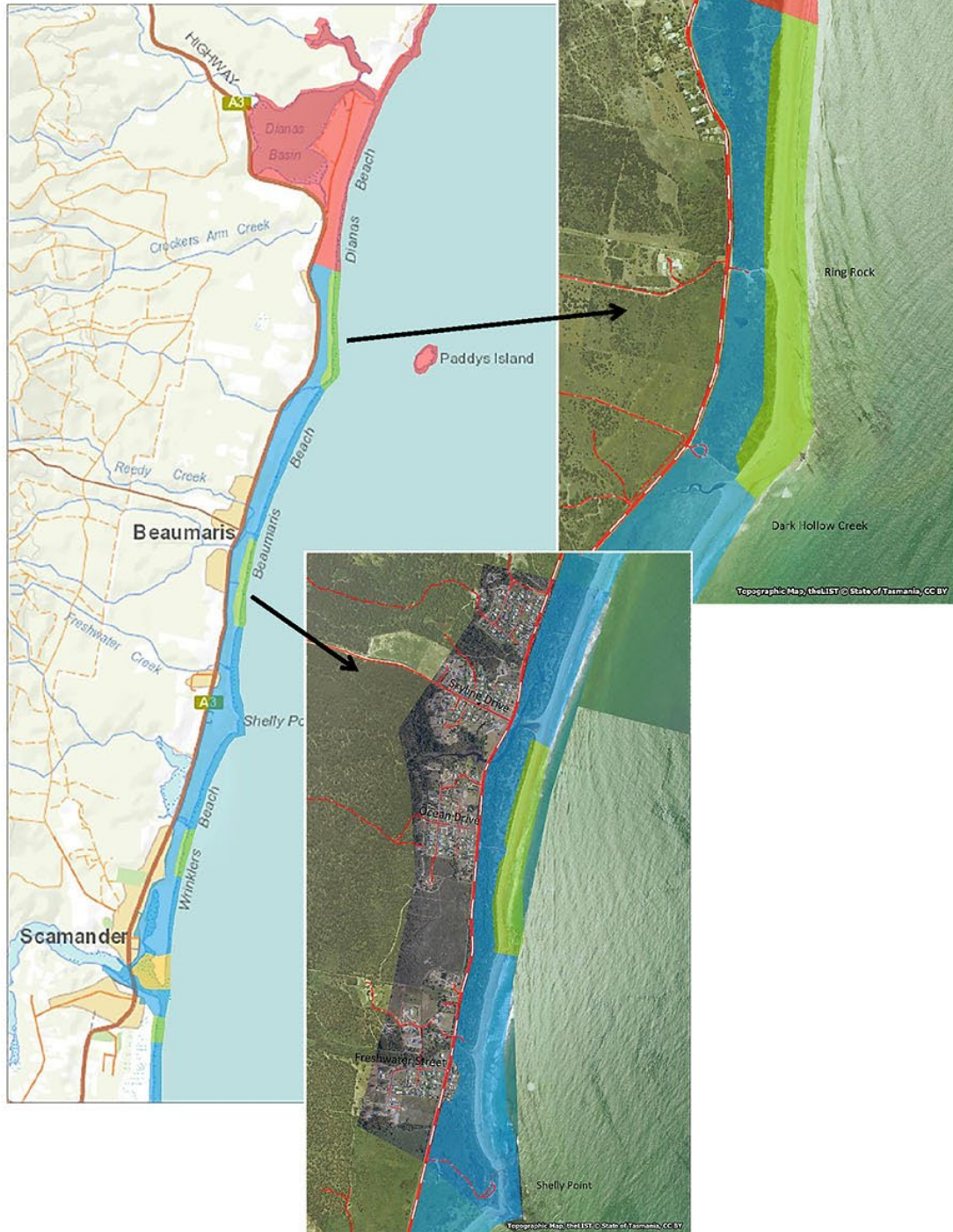


**C** Flagstaff Stacked loops  
Mountain Bike Trails

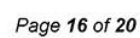
Dogs prohibited at  
Trailhead and 10m  
either side of trails.



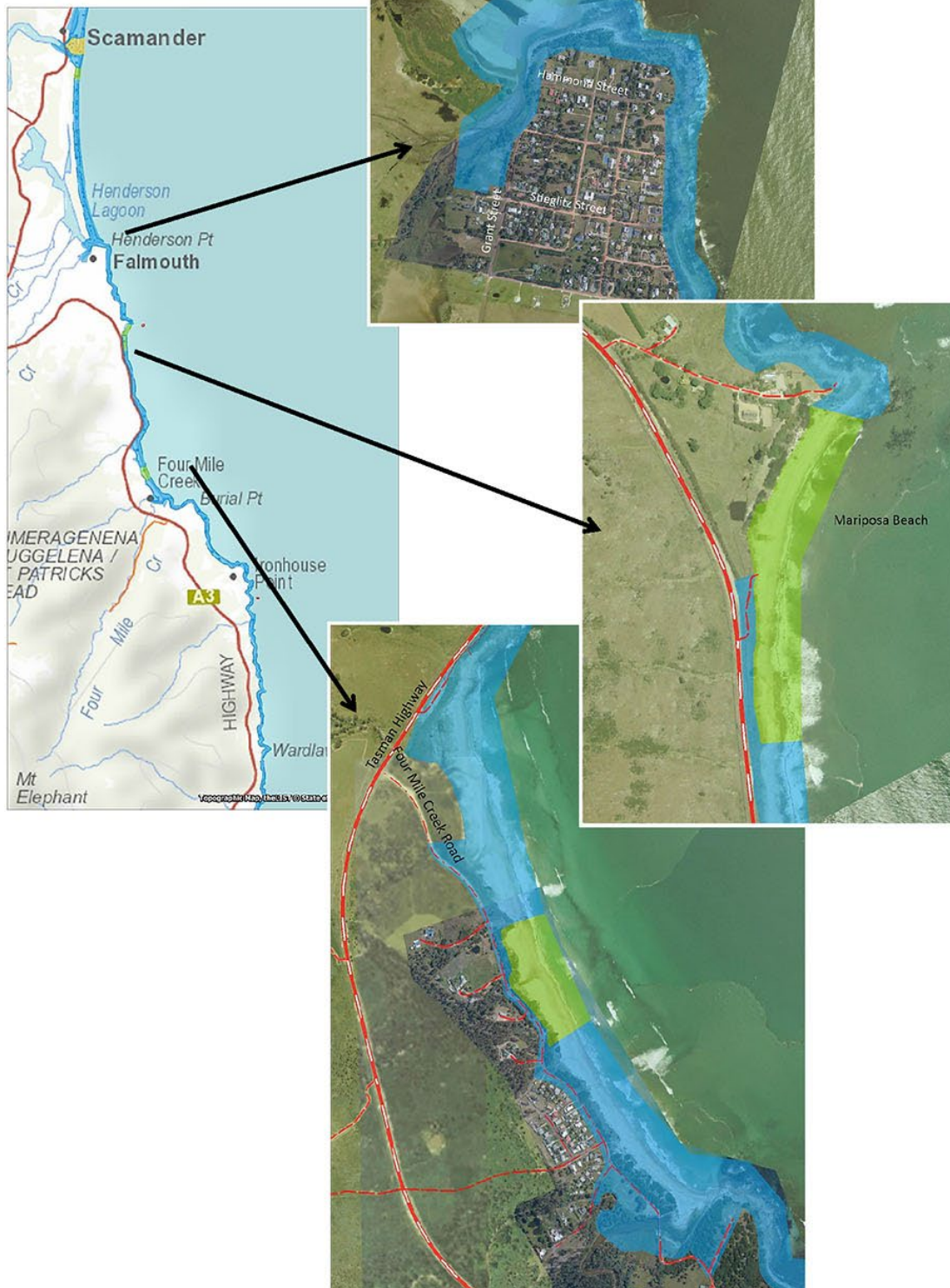
**D** Dianas Basin - Scamander





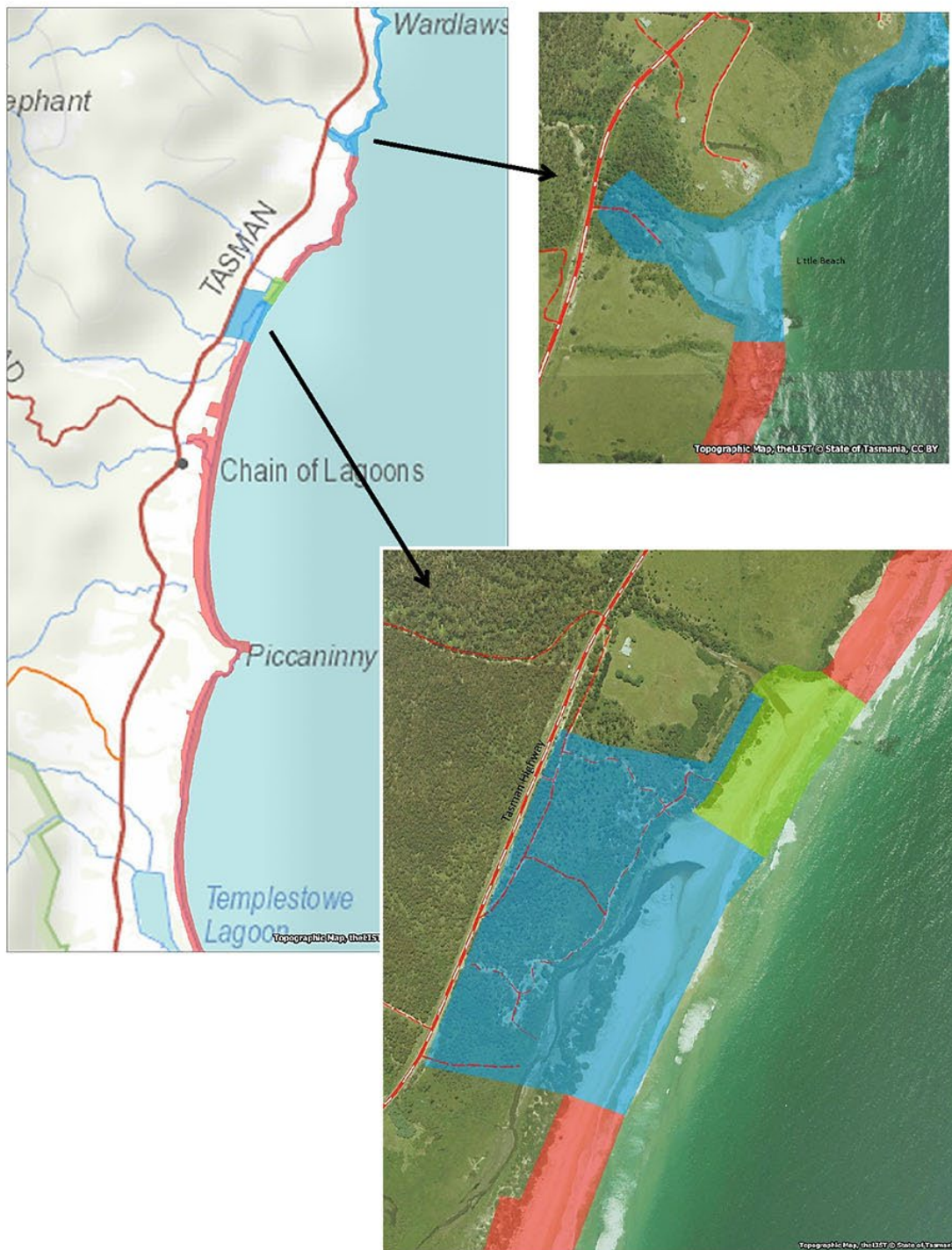


**E** Falmouth - Wardlaws Point





**F** Chain of Lagoons to Templestowe Beach



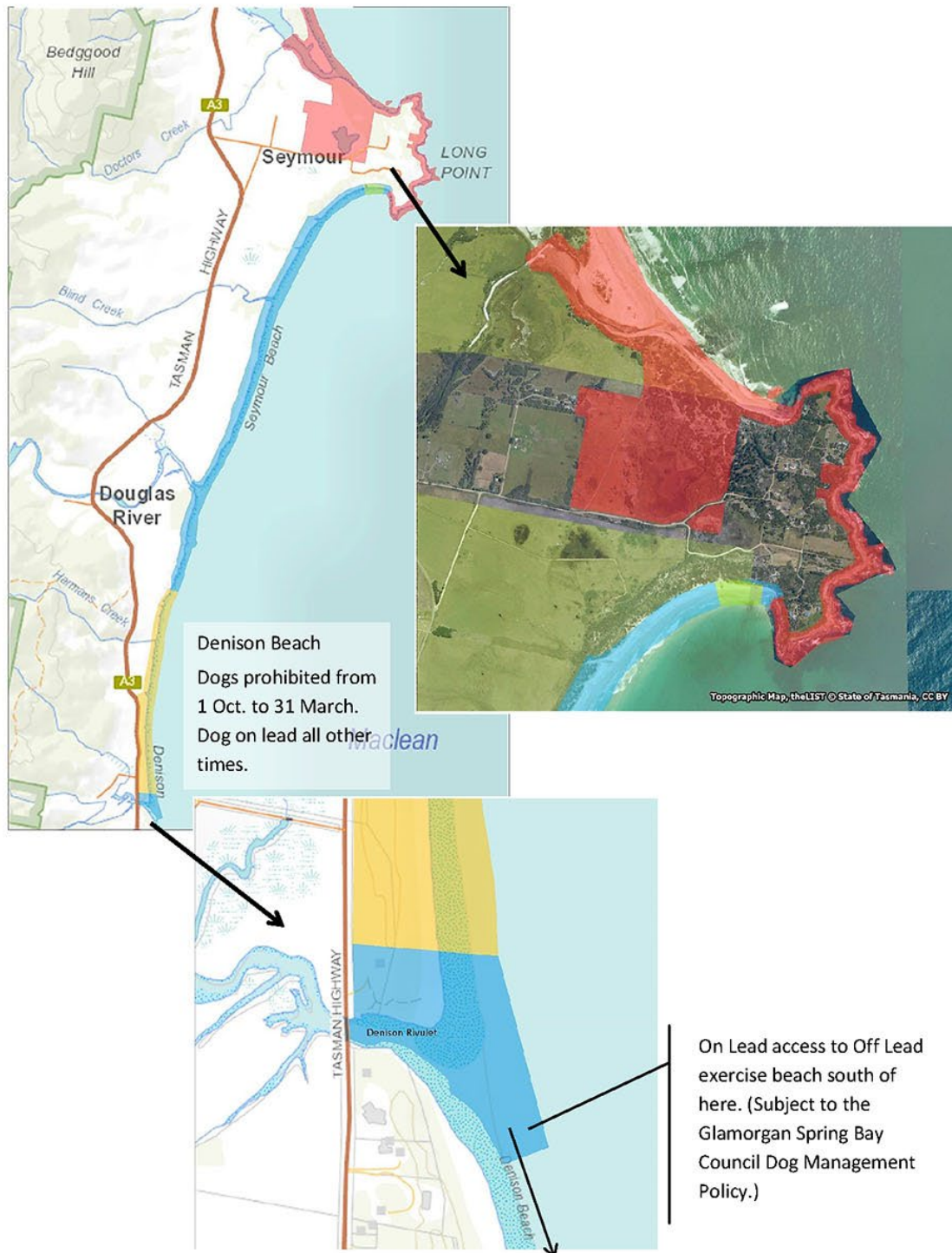
**F** St Marys – Future dog parks for  
Off Lead exercise

*These two Exercise areas would not be formally Declared by Council and available for use until after necessary infrastructure is installed.*





## G Seymour - Denison Rivulet



ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various matters which are being dealt with by the General Manager and with other Council Officers where required.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Meeting and Events attended:**

20.08.2024	<b>St Helens</b>	– Reconciliation Action Plan – Working group meeting
21.08.2024	<b>Hobart</b>	– Youth Connector Program – meeting with Department of State Growth to discuss the parameters for the delivery of this project which forms part of the Eastern Strategic Regional Partnership. The Project will be delivered through Break O'Day Employment Connect over the geographic coverage of the Regional Jobs Hub which includes the Dorset and Bicheno/Coles Bay areas.
21.08.2024	<b>Hobart</b>	– Regional Jobs Hub Community of Policy and Practice – workshop which focussed on the role of the network in addressing barriers to education and training with a focus on youth and school leavers. Outcomes from the workshop shape activity within Jobs Tasmania and provides alignment within the network on activities.
22.08.2024	<b>Fingal</b>	– Break O'Day Employment Connect – monthly meeting of the Board which oversees this project with a focus on operational updates and strategic projects such as future funding of BODEC and the Youth Connector program.
23.08.2024	<b>MS Teams</b>	– Aquatic Facility Feasibility Study – inception meeting with contractor Otium
23.08.2024	<b>Launceston</b>	– Northern Local Government Round Table with Anita Dow MP – involving representatives from the eight northern Councils. Focus was on Tasmanian Labor gaining an understanding of the issues affecting Councils in the northern region. It also provided an opportunity to discuss sector issues

		such as land use planning reform and the Future of Local Government Review.
28.08.2024	<b>St Helens</b>	– Local Medical Services – meeting with Mayor and Dr Michael Fox. Very interesting discussion which included an update on the situation in relation to GPs at the moment; approach taken with supporting the training through Registrars; Emergency Department presentations; and the loss of Allied Health services. A key outcome of the conversation was how information from our local GPs could shape the project under the Eastern strategic Regional Partnership.
28.08.2024	<b>MS Teams</b>	– Regional University Study Hubs Cohort 5 program – attended the online presentation in relation to this funding program which directly links to the Eastern Strategic Regional Partnership project investigating the potential need for a Study Hub.
28.08.2024	<b>MS Teams</b>	– Parks & Wildlife Service – meeting with Sophie Muller & Danielle Poirier to discuss Burns Bay Car Park project, the application is about to be lodged with Aboriginal Heritage Tasmania for assessment. Also took the opportunity to discuss the camping site booking system project being considered by PWS and the Bay of Fires Master Plan.
02.09.2024	<b>St Helens</b>	– Council Workshop
04.09.2024-05.09.2024	<b>Hobart</b>	– Local Government Association of Tasmania Conference
04.09.2024	<b>Hobart</b>	– St Marys Pass Alternative Investigation – meeting with Department of State Growth and Jacobs representatives to discuss concerns with the engagement process and the need for specific actions to occur.
06.09.2024	<b>St Marys</b>	– St Marys Pass Alternative Investigation – attended the community forum focussed on seeking feedback from the community

### Meetings & Events Not Yet Attended:

10.09.2024	<b>St Helens</b>	– BODEC Jobs Fair – attended the Jobs Fair which focussed on assisting students from St Helens and St Marys District High Schools to examine career pathways
12.09.2024	<b>St Helens</b>	– Aquatic Committee Feasibility Analysis – meeting of the steering committee to discuss the Project Plan with Otium
16.09.2024	<b>St Helens</b>	– Council Meeting

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included Paul Fisher (Georges Bay Sailing Squadron), Elise Frost (BODEC), Shaun Moore and Kayla Pollington(subdivision), Steve Walley, Christina Mackeen and Todd Dudley.

### Brief Updates:

#### St Marys Pass

Consultation in relation to the future of the St Marys Pass has just commenced through Jacobs, consultants engaged by the Department of State Growth. Following a meeting on 11 July 2024, Council officers were awaiting a copy of the draft Communications Plan to provide assistance to ensure that effective engagement with the community occurred. Unfortunately, this did not happen as we expected resulting in Council officer concerns regarding the potential effectiveness

of the community engagement process. Council officers have had to deal with a number of negative comments attacking Council's involvement in the process as if it was a Council activity. We are actively encouraging community members to participate in the process which concludes on Thursday 3 October 2024. Council officers have discussed the need for the consultants to engage directly with Councillors on the project.

Setting aside our concerns with the engagement process, the Department and the consultants are looking at a comprehensive range of potential options which is pleasing. This should result in a logical and sustainable option being identified.

### **Eastern Strategic Regional Partnership (ESRP) - Regional Study Hub Project**

At the July Council meeting the General Manager provided Councillors with an update on the Study Hub project consultancy relating to this ESRP project. The consultancy is well underway and the General Manager would like to focus on one key element:

*Investigate the extent and nature of need to explore the potential of an Australian Government Department of Education funded Regional Study Hub provision. The investigation would consider the nature and extent of need for all ages of learners., The feasibility will investigate the need, and level of readiness in both the Dorset and Break O' Day Local Government regions. Additional to the analysis of need, investigating and report will include possible study hub models most likely to be suitable to the Break O' Day context. If there are strong indicators of viability the intention beyond the investigation would be to submit an application to the Federal Governments cohort 5 round of funding for the Break O' Day Region.*

On 21 August 2024 the Department of Education announced the opening of Stream 2 (Cohort 5) funding under the Regional University Study Hubs program was open with applications closing on 18 October 2024. The work being undertaken by the consultants will provide the basis for the application should the need be proven. It is likely that an application will be developed, what is unknown at the moment is the governance arrangements around the potential Study Hub moving forward and the nature of any connection Council may have.

### **Local Government Code of Conduct**

The Minister for Local Government has written (letter attached) advising that following the conclusion of the recent consultation process on the proposed changes, legislation has passed through Parliament and will come into effect on 10 September 2024. As a result, Councils will be required to adopt a Dispute resolution Policy by no later than 10 September 2025. LGAT are currently working to develop a draft Dispute Resolution Policy for Council to consider.



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

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



05 SEP 2024

Mr Mick Tucker and Mr John Brown  
Mayor and General Manager  
Break O'Day Council

Dear Mayor Tucker and Mr Brown

The Government has recently concluded consultation on draft statutory instruments to support the commencement of the *Local Government Amendment (Code of Conduct) Act 2023*.

The Amendment Act will deliver a number of targeted improvements to the Local Government Code of Conduct framework, including:

- Providing for a single statewide Code, which will apply automatically to all councillors.
- Requiring councils to adopt a dispute resolution policy within 12 months of its commencement.
- Introducing a 'public interest' test for investigating complaints.
- Having a more rigorous initial assessment process undertaken by a Panel member who is a lawyer (who will not be on any subsequent investigating Panel).
- Having the Code of Conduct Panel Executive Officer undertake monitoring of compliance with sanctions.

To support the intent of the Amendment Act changes, the General Regulations are also being amended to:

- establish prescribed minimum standards for dispute resolution policies; and
- set annual reporting requirements for dispute resolution policies.

I can now advise that all provisions of the Amendment Act will formally commence on 10 September 2024, along with the supporting Amendment Regulation provisions and a new Code of Conduct Order. I can confirm that no changes have been made to the draft instruments that were recently provided for consultation.

With the commencement of the Amendment Act, all councils will be required to adopt a dispute resolution policy by no later than 10 September 2025. I am aware the Local Government Association of Tasmania is developing a model dispute resolution policy for councils to adopt where they wish to do so, and hope this will mean most councils can start rolling out their dispute resolution processes in the coming months.

The new Code of Conduct Order 2024 will replace the existing Code issued under the Model Code of Conduct Order 2016 and will automatically apply to all councillors without the need for formal adoption by individual councils.



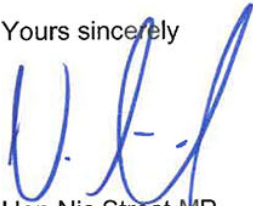
I ask that councils ensure their websites are updated to reflect the operation of the new Order as soon as practicable after it is made, and that references to the 2016 order are removed.

The new Code will be available on the Tasmanian Legislation website. Supporting resources for councils, including updated information sheets on the Code of Conduct process will be available at:

[www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct)

I want to thank you and your councils for your support and engagement on implementing these amendments and look forward to working closely with you as we continue to improve the Code of Conduct framework.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N. Street', written over the words 'Yours sincerely'.

Hon Nic Street MP  
**Minister for Local Government**

## Communications Report

TOPIC	ACTIVITY	PROGRESS
<b>GENERAL COMMS</b>	BODC Newsletter	<p>Sent out 1 week ago. Included stories on:</p> <ul style="list-style-type: none"> <li>Scamander listed as No.2 on Air BnB's Tiny Towns guide.</li> <li>East Coast Swans Under 14s winning Grand Final.</li> <li>Council joining the 2024 Garage Sale Trail where you can cash in and clear out</li> <li>Irapuna Weekend recap</li> </ul>
	Five minutes with the Mayor	<p>Mayor's piece about:</p> <ul style="list-style-type: none"> <li>Council joining the 2024 Garage Sale Trail where you can cash in and clear out</li> <li>Vietnam Veterans Day – honouring our service men and women with guest Minister for Veteran Affairs' Guy Barnett</li> </ul>
<b>SOCIAL MEDIA</b>	Break O'Day Council	<ul style="list-style-type: none"> <li>Storm-related green waste – FREE until 12 September</li> <li>Australian Citizenship Ceremony</li> </ul>
	Shared Social Media Posts	<ul style="list-style-type: none"> <li>Tasmania Fire Service - Bushfire Ready Challenge</li> <li>A Festival Called George</li> <li>TasAlert – Know what to do in an emergency</li> <li>St Helens Library – Bird sounds with Liz</li> <li>NTJFA – Junior Football Grand Finals</li> <li>Biosecurity Tasmania – Varroa Management Training</li> <li>St Helens Library – 3G Network shutting down</li> <li>St Helens Online Access Centre – Scam Awareness Info and Tips</li> </ul>
<b>GRANTS</b>	Tas Recovery	<ul style="list-style-type: none"> <li>Emergency Food Grants – Severe Weather Event</li> <li>Temporary Living Support Grants – Severe Weather Event</li> </ul>
<b>SURVEY</b>	State Growth	<p>St Marys Pass route options survey - Closes 3 October 2024</p>
	Break O'Day Council	<ul style="list-style-type: none"> <li>Economic Development Strategy survey- Closed 6 September</li> <li>Reconciliation Action Plan Now open</li> </ul>

	University of New South Wales	Flood and bushfire preparedness survey
<b>EMAIL DATABASES</b>	Continuing to develop	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

#### Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
DA 202-2023 Lot 2 Subdivision 38 Osprey Drive, Stieglitz	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
Simmons Wolfhagen PTY LTD	Affixing Common Seal	Agreement for the provision of legal services	Number 21 – Miscellaneous Powers and Functions to the General Manager
DA 003-2023 25480 Tasman Highway, St Helens	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
169424/3 4 Reason Way, Binalong Bay	Affixing Common Seal	Amended Sealed Plan	Number 21 – Miscellaneous Powers and Functions to the General Manager

#### General Manager's Signature Used Under Delegation for Development Services:

DATE	DOCUMENT	ADDRESS	PID OR DA
01.08.2024	337 Certificate	P2382 Tully Street (186813/31), St Helens	7731885
05.08.2024	337 Certificate	26907 Tasman Highway, Goshen	7818817
07.08.2024	337 Certificate	P2382 Tully Street (186813/33) St Helens	7731885
07.08.2024	337 Certificate	27 Kiama Parade, Akaroa	2242193
08.08.2024	337 Certificate	12 Mill Court, St Helens	2988788
12.08.2024	337 Certificate	2 Beaumaris Avenue, Beaumaris	2503170
12.08.2024	337 Certificate	5 Bay Close, St Helens	7560078
13.08.2024	337 Certificate	13 Cannell Place, Akaroa	1881620
13.08.2024	337 Certificate	11 Banksia Drive, Ansons Bay	6802899
14.08.2024	337 Certificate	8 Franks Street, Falmouth	2751262
15.08.2024	337 Certificate	27 Franks Street, Falmouth	3140068
19.08.2024	337 Certificate	137 Binalong Bay Road, St Helens	7485004
19.08.2024	337 Certificate	277 Binalong Bay Road, St Helens	6803904
21.08.2024	337 Certificate	106 St Helens Point Road, Stieglitz	6789073
21.08.2024	337 Certificate	67 Grant Street, Falmouth	2054045
22.08.2024	337 Certificate	2/16 Heather Place, St Helens	3080974
23.08.2024	337 Certificate	26 Cameron Street, St Helens	6793283

29.08.2024	337 Certificate	21446 Tasman Highway, Four Mile Creek	2742040
30.08.2024	337 Certificate	50 St Helens Point Road, Stieglitz	9094039
30.08.2024	337 Certificate	83 St Helens Point Road, Stieglitz	6790023

#### **Tenders and Contracts Awarded:**

<b>Tender Closing Date</b>	<b>Description of Tender</b>	<b>Awarded To</b>
Monday 5 August 2024	Design & Construct – Compact MTB Pump Track – Fingal Park Contract 030/001/149	World Trail
Monday 5 August 2024	Scamander Inert Landfill – Contract 030\001\148	GHD

#### **STRATEGIC PLAN & ANNUAL PLAN:**

##### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

##### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

#### **LEGISLATION & POLICIES:**

N/A

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\011\003\
ASSOCIATED REPORTS AND DOCUMENTS	Quarterly Report of the Northern Tasmania Development Corporation Ltd (NTDC)

**OFFICER'S RECOMMENDATION:**

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period Apr-Jun 2024.

**INTRODUCTION:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act. Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Reports from NTDC are provided to, and considered by Council, quarterly.

**OFFICER'S REPORT:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the *Local Government Act*.

Section 21 (5) of the *Local Government Act* requires Council's General Manager to report to Council at least every three (3) months on the performance of any activities of such an enterprise.

Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council in a format to comply with this requirement.

**STRATEGIC PLAN & ANNUAL PLAN:**Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

- Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.



- Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

#### Break O Day Annual Plan 2023 – 2024

#### Corporate Goal – Stakeholder Management

Northern Tasmania Development Corporation (NTDC) - Participate in NTDC activities focused on developing the regional economy.

#### **LEGISLATION & POLICIES:**

*Section 21 Enterprise Powers - Local Government Act 1993.*

#### 21. Enterprise powers

(5) The general manager is to report to the council –

- (a) at least once every three (3) months in respect of the performance of any activities carried out pursuant to subsection (1) and any strategic issues related to those activities; and
- (b) any adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities.

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

Northern Tasmania Development Corporation LTD

# Quarterly Report

QUARTER FOUR | APR-JUN 2024

## FINDING TRUE NORTH

*Navigating a sustainable future in Tasmania's North*



**ACKNOWLEDGEMENT OF COUNTRY**

Northern Tasmania Development Corporation acknowledges the palawa community of Northern lutriwita/Tasmania, the custodians of our country. We pay our respects to their elders, past, present and emerging.

This report has been prepared by NTDC.  
© Northern Tasmania Development Corporation LTD, 2024

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# FINDING TRUE NORTH

*Navigating a sustainable future in Northern Tasmania*



## OUR VISION

**Northern Tasmania is where people, ideas, businesses and industry thrive and grow**

## OUR PURPOSE

We grow Northern Tasmania by:

- Leading regional collaboration
- Achieving regional outcomes and strategic goals
- Advocating for Northern Tasmania
- Implementing our Regional Economic Development Strategy (REDS)
- Championing regional leadership and local governance
- Creating an enabling environment for communities and industry development
- Understanding that our community benefits from sustainable regional development

## OUR VALUES



**Connected**



**Clear**



**Creative**



**Curious**

## OUR STRATEGIC GOALS

### Regional Development

Guide regional development in Northern Tasmania by implementing and actioning the Regional Economic Development Strategy (REDS).

### Regional Collaboration

Work together to agree on and achieve regional outcomes and advocate for and advance regional priorities, strategies and policies.

### Organisational Strength

Develop a robust organisation with a sustainable financial position, a nurtured team, and value for members, industry and community.

## KEY PERFORMANCE INDICATORS

Strategic Leadership  
100% Support

Project Management  
≥ 95% OTAB

Engaged Membership  
≥ 100% Retention

Project Delivery  
≥ 12 Projects

Organisational Culture  
≥ 95% Support

Continually Improve  
≥ 80% Satisfaction

Enhanced Reputation  
≥ 85% Positive

Diversified Revenue  
> 50% Non-council



## Introduction

As the weather cooled and we got down to the 'workhorse months' that beset Tasmanians in the middle of the year, I'm pleased to say that NTDC has been delivering for the region on many fronts. We saw the Liberal Party retain power in the election, albeit with a minority government, and have continued to work with the Premier and key ministers and shadow ministers to advocate for the North.

I will be joining James McKee and Sue Kilpatrick in Canberra in the next week to attend the Regional Australia summit and to present a unified presence of advocacy and relationship building with federal representatives. Mindful of the upcoming federal election, we will be discussing the Regional Priority Projects and working hard to ensure that the North's priorities are at the front of their minds. On our return, I look forward to attending the Regional Collaboration Forum, to share any new insights and to learn from leaders throughout the region what their policy priorities are. This will help us with our ongoing advocacy at state and federal levels for projects and policies.

Chris and I also recently attended the Australian Local Government Association National Congress in Canberra. An exceptional event with over 1200 in attendance, there were many highlights, not the least of which was the company of many of the Mayors, Councillors and General Managers of the region. I was alarmed to learn about the ever-decreasing share of federal funding to local government to assist in the critically important role it plays. Also valuable were the insights around how our ageing population interacts with our education and training systems means that the chronic skills shortages we are facing are complex, and need both attention and management. Something I think we all know, but it was good to hear from different perspectives.

Highlights for the region this quarter include the funding of Golconda Road and the appointment of the new CEO of Launceston City Council, Sam Johnson. A big welcome to Sam - we very much look forward to working with him as he gets his feet under the desk. We are gratified to have been able to deliver the final draft of the Revised Greater Launceston Plan, and are working hard with LGAT and the Regional Planning Group to advocate for a workable and consistent suite of Regional Land Use Strategies across Tasmania.

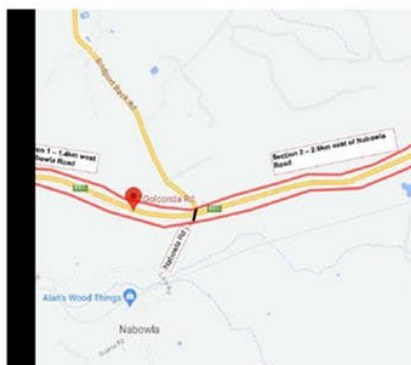
We are working and thinking continuously about how, as a regional agency, we might be able to streamline these plans to work as a consistent suite with a common vision that addresses all elements of life. This is a work in progress, but one that could yield great results if we do it well.

Finally, we have continued to work with Gastronomy Northern Tasmania to chart a path for amalgamation that will lead to greater efficiencies with our members' contributions, and I hope even more great wins for such a beneficial brand for the region.



Dr Allison Anderson  
Chair

## Northern Tasmania in the News



18/7/24

### Golconda Road Funding Announced →

Dorset Council will receive funding to upgrade 3.4Km of Golconda Road.

[Read More](#)

26/6/24

### Fermentation Hub in Legana attracting high interest from local businesses. →

More than 60 Northern businesses have made an application for using the facility.

[Read More](#)


21/5/24

### Northern Suburbs Community Recreation Hub on the way →

Northern Suburbs Community Recreation Hub on the way

[Read More](#)


15/6/24

### Sam Johnson appointed as new City of Launceston CEO →

Sam Johnson appointed as new City of Launceston CEO

[Read More](#)


## Annual Workplan Update

	REGIONAL DEVELOPMENT	REGIONAL COLLABORATION	ORGANISATIONAL STRENGTH
<b>Tasks Completed APR-JUN</b>	<ul style="list-style-type: none"> <li>Population Taskforce Strategy desktop review completed</li> <li>Bell Bay Impact Program scoped</li> <li>RLUS review Project plan and request for quote documentation completed</li> </ul>	<ul style="list-style-type: none"> <li>Revised Greater Launceston Plan final draft</li> <li>Partnership with Gastronomy Northern Tasmania due diligence completed</li> <li>Dorset Council full membership renewed</li> <li>Sports Facility Study - Dorset extension completed</li> <li>Regional Priority Projects renewed call for submissions</li> <li>Industry Sector leader regional advocacy meetings</li> </ul>	<ul style="list-style-type: none"> <li>Member Representative Group meeting 22 May held</li> <li>New NTDC Board Directors appointed; Mark Hogarth, David Midson, Linda Kelly</li> <li>NTDC annual Board Strategy Workshop 1 May held</li> <li>Gastronomy Northern Tasmania funding secured</li> <li>Annual member funding confirmed for FY25</li> <li>Annual workplan and budget endorsed</li> <li>TAO interim Audit completed, no new material issues cited</li> <li>Agency carbon auditing process commences</li> </ul>
<b>Tasks Planned JUL-SEP</b>	<ul style="list-style-type: none"> <li>Translink Intermodal project management proposal presented to Northern Midlands Council</li> <li>RLUS framework - LGAT workshop</li> <li>Digital solutions pilot - Derby 29 August</li> <li>Regional population research project commences</li> <li>RLUS Review Project stage 1 commences</li> </ul>	<ul style="list-style-type: none"> <li>Greater Launceston Plan finalised</li> <li>Canberra visits for ALGA and minister meetings - July &amp; August</li> <li>Industry Sector leader advocacy continues</li> <li>Regional Collaboration Forum - policies for regional prosperity - 16 August</li> </ul>	<ul style="list-style-type: none"> <li>Member council workshop presentations on-going on specific topics</li> <li>Agency identify and communications strategy RFQ</li> <li>Gastronomy Northern Tasmania amalgamation</li> <li>NTDC office space refit - aligned with a better workplace ethos</li> </ul>
<b>Tasks Missed</b>			

NTDC is committed to providing succinct and transparent updates on the work we plan to do and what has been delivered. A three-year strategic plan, annual work plan and budget have been endorsed by the Member Representative Group to guide and direct our work.

Through this work, our quarterly reports reflect the work, milestones, and targets agreed to through these documents.

For feedback on this planning and reporting, please get in touch with CEO Chris Griffin at [ceo@ntdc.org.au](mailto:ceo@ntdc.org.au) or 0402 628 768



## ECONOMIC DEVELOPMENT

*Guide regional  
economic development  
in Northern Tasmania  
by implements and  
actioning REDS.*

### Bell Bay Regional Impact Workshop

NTDC hosted a facilitated workshop on 29 April with Councils and key partners to explore the full scale of what needs to be done to prepare for potential game changers by way of Abel Energy and SunCable.

The workshop identified the need for a data driven model to better map impact of such major industrial investments across the region, such as:

- Land Use Planning
- Infrastructure Development
- Economic Development Strategies
- Environmental Management
- Community Services, and
- Workforce.

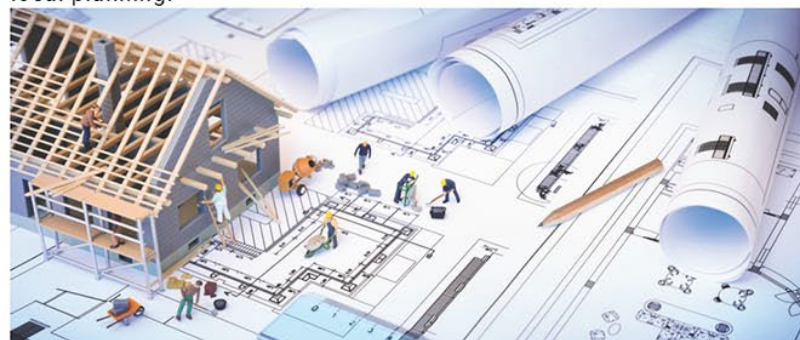
NTDC is currently exploring the market in terms of viable partnerships to develop such a data model.



### RLUS Review Update

Lisa and the Regional Planning Group has been busy this quarter finalising the Project Plan for the Regional Land Use Strategy Review, and designing and commencing the procurement processes relating to Stage one of the project: Strategic Direction.

A workshop scheduled between the three Tasmanian RPGs, LGAT and the State Planning Office, on 1 August aims to draft a uniform framework for all three RLUS and affirm their alignment to State and local planning.

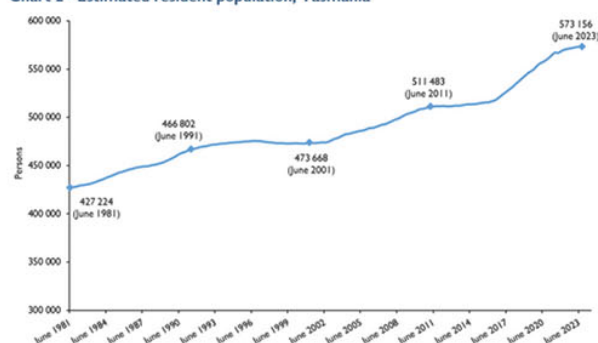


## Population Taskforce Strategy Interviews

A review of the region's population taskforce strategy which was released in 2019 is underway. It is an ideal time to undertake the review with the State recently releasing updated population projections for the period 2023 - 20253 and last month, unveiling Tasmania's new population policy framework.

The Review is part one of a two staged process and will help inform the development of a new refreshed future focused approach to population for the region. A key tranche of this work will be provided by the Tasmanian Policy Exchanged (TPE) who have been engaged to produce a discussion paper on the region's population challenges and opportunities, this will not only provide up to date empirical data and information at a State level but also findings at a more granular individual LGA level which will help the region plan for the future.

Chart 2 - Estimated resident population, Tasmania



## Key Partner Meetings & Events

Chris and Alli have been seeing a far ranging group of industry leaders and sector groups over the last three months. highlights have included:

- Tasmania Hospitality Association
- UTAS - Sustainable Hydrogen Research team
- Tourism Industry Council
- Minerals and Energy Council
- Regional Telecommunications Independent Review Committee
- Labor Party Shadow Treasurer
- TasFarmers
- Launceston Chamber of Commerce
- Bell Bay Advanced Manufacturing Zone
- Hydro
- TasWater inspection of ti-tree bend and Developer forums
- Property Council Summit
- Australian Trade and Investment Commission - Thrive 2030

## REGIONAL COLLABORATION

*Work together to  
achieve regional  
outcomes and advance  
regional priorities,  
strategies and policies.*



## ORGANISATIONAL STRENGTH

*Develop a robust organisation that achieves a sustainable financial position, values and develops our team, and creates value for our members, industry and community.*

### NTDC Board Strategy Workshop

Joined by our newly minted Board Directors, Mark Hogarth, David Midson and Linda Kelly the Board and team of NTDC meet on 1st May.

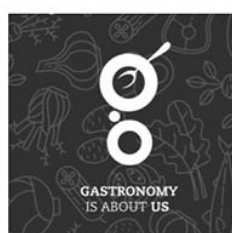
Reviewing past assumptions, progress to date and those initiatives that would drive regional prosperity, the group agreed:

- the importance of a regional future being articulated that we all own
- the need to support members relating to major project management
- bring Gastronomy into our agency as a sub-committee
- prioritising the review of RLUS aligned to a unifying state-wide framework, and
- affirming our role in positively influencing population change.

### Joining With Gastronomy

NTDC have been working closely with our members and partners to better understand how we can support and capitalise upon the UNESCO Creative City of Gastronomy designation.

NTDC is now working through amalgamation processes, while supporting the delivery of partner programs such as the Australian Symposium of Gastronomy and AgriCultured. This merger will see the current leadership group of GNT retained as a sub-committee of NTDC Board, effectively retaining their expertise, whilst improving operational efficiencies in delivering the Gastronomy program.



### Carbon Auditing with ERC Australia

Kamal is leading NTDC into the arena of auditing and reducing our carbon emissions as an agency. Working with ERC Australia Kamal will be reviewing where we generate waste and carbon emissions and how can do better. Our audit process commences on 1 July 2024.



## CONTACT US

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<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Jayne Richardson, Executive Officer; and Angela Matthews, Corporate Services Coordinator
<b>FILE REFERENCE</b>	014\002\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Legal Advice from Simmons Wolfhagen Division 5 – Minutes, <i>Local Government (Meeting Procedures) Regulations 2015</i>

**OFFICER'S RECOMMENDATION:**

1. That Council note the General Manager's recommendation that the following information be provided in Council Minutes:
  - Officer's Recommendation
  - Officer's Report Introduction
  - Council Decision
2. That Council Officer's be authorised to purchase an appropriate software application to be able to transcribe the audio of a Council Meeting.

**INTRODUCTION:**

The matter of what is included in the minutes has been a topic of discussion for a number of years with various different content being included and removed for various reasons.

As a result of the digital era we are in and the journey we will be taking into the future Council Officer's thought it was timely that this matter be reviewed again.

This was also raised by Mayor Tucker at the April Council Workshop.

**PREVIOUS COUNCIL CONSIDERATION:**

Council has considered these issues a number of times over the last 15 years.

**OFFICER'S REPORT:**

This report has been prepared to provide an outline of what has been provided in the past and what is the most efficient use of Council staff resources going forward.

In the past this has been raised due to a number of amendments requested for minutes of Council meetings and therefore clarification on Councillors expectations and what they would like to see available to the public is sought through this report.

The following is a bit of a guide as to what has been included in the minutes over the last few years:

January to November 2007	Officer's Recommendation Council Decision
December 2007 to December 2008	Discussion Officer's Report Council Decision
January 2009 to December 2011	Discussion Officer's Recommendation Council Decision
January 2012 to October 2012	Council Decision
November 2012 to present	Officer's Recommendation Introduction Discussion Council Decision

During this time Council made various decisions to audio record meetings which is when there was not "Discussion" included within the minutes and then when recording ceased it was reintroduced.

For quite some time now Council has again been audio recording meetings however the discussion points were still included as it was raised by both Councillors and Officer's that this was sometimes valuable to go back to, to get some context of the discussion that took place at the time.

Moving on, 2024 – we have not introduced live streaming as well as continuing with the audio recording so is this still necessary?

There is quite a number of different software available where you can upload an audio file and have it transcribed, is this something Council would like to consider, and if this was to be done no Council Discussion would be included in the typed Council minutes as this would be available for Councillors and Staff to access if required.

Council currently lists the following statement at the beginning of the Council agenda which provides advice as to how Council will manage the audio recordings of Council:

*In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.*

Council minutes are predominantly a record of Council Decisions, however by including the Officer's Recommendation, Report or Introduction from the agenda item would provide background information in the minutes.

All of the Councils which have been reviewed as to what they include are all set out slightly different in various ways however do include the same information.

It is difficult to record verbatim discussion and opens up the room for error and misinterpretation of the discussion. If the Officer taking the minutes records a point which at the time is deemed to be relevant and noteworthy in their opinion may not be in someone else's'. Council minutes are not meant to be a Hansard of discussion.

Pursuant to Section 32(1)(a) and (b) the recording of the minutes under the *Local Government (Meeting Procedures) Regulations 2015* are the responsibility of the General Manager.

Changes to the presentation of minutes over the years have altered for a number of reasons and under legislation do not require a Council decision to be changed.

Some of the changes over the years have taken place for various reasons.

- Change in General Managers – each General Manager has different perspective as to what they believe is sufficient and appropriate information.
- Changes have been made in some cases due to the different expectations of some Councillors as to why things had or hadn't been included, this was also commented on in the legal advice from Simmons Wolfhagen on page 3 paragraph 2.

As noted in the last paragraph of the legal advice attached, it is acceptable and more "appropriate for the minutes to take a form of "minutes of resolution" only and therefore not recording matters discussed".

## **STRATEGIC & ANNUAL PLAN**

### Break O'Day Strategic Plan 2017 – 2027 (Revised March 2022)

*Leadership/Ownership* - Council will....

- be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
- make decisions for the greater good of Break O'Day by being accessible and listening to our community.

## **LEGISLATION & POLICIES**

*Local Government (Meeting Procedures) Regulation 2015 – Division 5*

## **BUDGET AND FINANCIAL IMPLICATIONS:**

There are no budget implications with this item if the Officer's Recommendation is approved.

## **VOTING REQUIREMENTS:**

Simple Majority



Contact: David Morris  
Our Ref: DJM:MS:160096

13 January 2016

Ms A Matthews  
Break O'Day Council  
PO Box 21  
ST HELENS TAS 7216

By email [angela.matthews@bodc.tas.gov.au](mailto:angela.matthews@bodc.tas.gov.au)

Dear Ms Matthews

**Advice (Governance) - Content of Minutes of Council Meeting**

Thank you for your instructions to provide some advice to the Council regarding the content of the minutes of Council meetings.

Your instructions record that it is the Council's understanding that it is really "only the decisions of Council that need be recorded, however we do include a section under each item for key discussion points". You have asked for my recommendation on what and how much detail should be included in the Council minutes.

**Advice**

*Local Government (Meeting Procedures) Regulations 2015*

Regulation 32 – 36 (incl.) deal with the requirements for Council minutes for meetings. Specifically, regulation 32 deals with the minutes of Council meetings. As the Council would be aware regulation 34 has specific requirements for the minutes of closed meetings and it is not necessary to discuss that regulation for the purposes of this advice.

Regulation 32(1) requires that the minutes of a meeting accurately record:-

- (a) Any matter discussed at the meeting;
- (b) Any decision made at the meeting;
- (d) A summary of any address, statement or report made or provided on an invitation under regulation 38;

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- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

(e) Any motion moved during the meeting.

These requirements do not, in my opinion, displace the usual essential requirement that Ms Matthews has alluded to in her instructions which is that the minutes need to record the decisions of the Council. Most usually the form minutes will take are known as what is called "minutes of resolution". Minutes of resolution simply record the motion which is the subject of the agenda item, any amendments or points of order taken in respect of that motion and then the decision made (the resolution). The minutes of Hobart City Council meetings are an example of "minutes of resolution" which record the necessary information confined to decisions of the Council. Minutes of resolution do not usually incorporate a summary of matters discussed during debate on any motion before the Council and, the meeting procedure regulations do not require that the record of the debate or discussion should be recorded.

Thus, it is my advice to the Break O'Day Council that its procedure for recording in the minutes "discussion" on motions is not required or mandated by the meeting procedure regulations nor by good governance process. Nevertheless, it is often the case that the minutes of meetings do include what is known as "minutes of narration". That is to say, the minutes can record, as the Break O'Day Council minutes do, a record of the discussion raised during debate on a motion. There is no rule against doing so.

There is however a caution to be applied to minutes of narration where the discussion points are recorded. N.E. Renton in his book *"Guide for Meetings and Organisations"*<sup>1</sup> opines:-

*"It is also possible to draw up "minutes of narration"; these act as a fuller report of the meeting, as they show, in addition to the actual decisions, details of the various arguments advanced for and against each proposition, possibly also with the names of the principal speakers in each case. While such particulars may be of interest to those unable to be present at the meeting, and while they may subsequently show the reasons for any decision, they greatly increase the length of the minutes. Furthermore, the writing up of such minutes can give rise to serious practical problems, as it is obviously difficult to summarise succinctly arguments, the presentation of which may have taken considerable time and effort, and as it may be almost impossible to make a summary of a speech which was poorly presented in the first place. The question of editorial selection also poses some difficulty; no two people would make such a selection in the same way. It can thus happen that some members present at the meeting will feel slighted if their particular views on some subject are not recorded as fully as they would wish. A consistent approach needs to be adopted, so that equal weight is given to equally worthy items. There is also an inevitable difficulty in trying to put into formal written language some orally expressed ideas which were readily understood in the context in which they were first stated, but which would need to be recorded in a form designed to be understood*

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<sup>1</sup> N.E. Renton, *Guide for Meetings and Organisations*, 8<sup>th</sup> Edition Volume 2.

*even by persons who were not present at the meeting and by those reading the minutes long after memories of the actual meetings have faded."*

For the reasons set out in Mr Renton's cautionary note above, many Council meeting minutes do not include "minutes of narration". However, the Break O'Day Council has chosen to include minutes of narration and there is no criticism that can be attached to such decision. It is evident that the Council considers it desirable to have those minutes of narration in the form of a record of the debate under the heading "discussion".

The difficulty is as described by Mr Renton - what may be appropriately included under discussion is a matter of degree and what one party may consider is a sufficient account of their discussion points, others may disagree.

I have reviewed the requests made by a councillor in relation to a set of minutes to have matters more fully recorded. I conclude that her inclusions cannot be resisted. She is entitled to take a view that the minutes of narration – discussion did not fully record her position. If the Council is going to incorporate "minutes of narration" into the minutes of the Council meeting then it will need to be prepared for differing views on what ought or ought not to have been included.

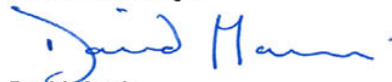
My advice would be that if the Council is to continue with the form of minutes currently utilised – it should make every attempt to include as fully as possible a proper record of the issues raised by the councillors during the debate. It is open for a councillor to require that further information be included as has happened in this instance and which is the reason for the advice sought.

In these circumstances the Council may consider that a simplification of process may be warranted here and that it may be more appropriate for the minutes to take a form of "minutes of resolution" only and therefore not recording matters discussed. That is a perfectly acceptable form of minutes and the example I gave of the Hobart City Council minutes exemplifies that type of process.

I trust this advice responds to your enquiry.

Please call should you seek any clarification.

Yours faithfully  
Simmons Wolfhagen



**David Morris**  
Partner | Local Government, Environment & Planning Law  
david.morris@simwolf.com.au

## **LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015**

### **Division 5 - Minutes**

#### **32. Minutes**

- (1)** Subject to regulation 34(1), the general manager is to ensure that the minutes of a meeting accurately record the following matters:
  - (a)** any matter discussed at the meeting;
  - (b)** any decision made at the meeting;
  - (c)** if the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;
  - (d)** a summary of any address, statement or report made or provided on an invitation under regulation 38;
  - (e)** any motion moved during the meeting;
  - (f)** any question on notice by a councillor that is answered and the answer to that question;
  - (g)** any question asked and put in writing during the period referred to in regulation 31(3) and any written answer or summary of that answer to that question;
  - (h)** any question asked, without notice, by a member of the public and a summary of any answer given in response;
  - (i)** the attendance of councillors;
  - (j)** any absence of any councillor during the meeting, including the times of leaving and returning to the meeting.
- (2)** The general manager is to ensure that –
  - (a)** copies of the minutes of meetings are kept as records of the council; and
  - (b)** those copies are available to councillors.

#### **33. Audio recording of meetings**

- (1)** A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2)** If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –
  - (a)** retained by the council for at least six (6) months; and
  - (b)** made available free of charge for listening on written request by any person.
- (3)** If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4)** A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.

#### **34. Minutes of closed meeting**

- (1)** If at a meeting it is decided to hold a part of the meeting as a closed meeting –
  - (a)** in accordance with regulation 15(5), the grounds for the closure are to be recorded in the minutes of that part of the meeting that is open to the public; and
  - (b)** in relation to a matter discussed at the closed meeting –
    - (i)** the fact that the matter was discussed at the closed meeting; and
    - (ii)** a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be so recorded in a manner that does not disclose any confidential information and protects confidentiality; and

- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.
- (2) The general manager is to record in the minutes of a closed meeting any matter of a kind listed in regulation 32(1) that relates to the closed meeting.
- (3) The minutes of a closed meeting are to be kept confidential unless the council, or the council committee, after considering privacy and confidentiality issues, authorises the release to the public of the minutes.
- (4) If the general manager is excluded from a closed meeting, the chairperson of the meeting is to direct a person to record the minutes of the meeting.
- (5) A copy of the minutes of a closed meeting is to be provided to each councillor by the general manager or, if the general manager is excluded from the meeting, the person who recorded the minutes.
- (6) At the next closed meeting, the minutes of a 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.

### **35. Circulation and inspection of minutes of open meeting**

- (1) The minutes of a meeting, other than a closed meeting –
  - (a) as soon as practicable but at least at the next ordinary council meeting, or next council committee meeting, that is open to the public, are to be circulated to all councillors; and
  - (b) at that next ordinary council meeting or next council committee meeting, after any necessary correction, are to be confirmed as the true record by the council or the council committee and signed by the chairperson of the meeting.
- (2) The general manager is to ensure that the minutes, and copies of any extract from the minutes, as confirmed under sub regulation (1)(b), of a meeting that was open to the public are available to the public –
  - (a) on the council's website for inspection; and
  - (b) at the public office of the council for inspection, free of charge, and for purchase by payment of the fee specified in Schedule 1 – within seven (7) days after the minutes are so confirmed.
- (3) The general manager may withhold from purchase any extract from the minutes of a meeting –
  - (a) for which the council does not own the intellectual property; or
  - (b) which contains information provided to the council on the condition that it be not made available to members of the public.
- (4) The period of seven (7) days referred to in sub regulation (2) does not include Saturdays, Sundays and statutory holidays.

### **36. Confirming minutes**

In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.



*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.*

# IN CONFIDENCE

## **09/24.18.0      CLOSED COUNCIL**

**09/24.18.1      Confirmation of Closed Council Minutes – Council Meeting 19 August 2024**

**09/24.18.2      Outstanding Actions List for Closed Council**

**09/24.18.3      Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 Tender – 2024/2025 Bituminous Surfacing Program**

**09/24.18.4      Closed Council Item Pursuant to Section 15(2)G of the Local Government (Meeting Procedures) Regulations 2015 - Request for Remission of Penalty & Interest - Elephant Pass Road Gray**

**09/24.18.5      Closed Council Item Pursuant to Section 15(2)G of the Local Government (Meeting Procedures) Regulations 2015 - Sale of Land Pursuant to S.137 Local Government Act 1993 – 123 German Town Road, St Marys**

**09/24.18.6      Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 Tender – Contract 030\002\013 Bay of Fires Master Plan**

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.*

## **09/24.19.0      MEETING CLOSED**

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.