

TERMS OF REFERENCE

APPOINTED INDEPENDENT INVESTIGATOR: Pinnacle Integrity

DATE: 31 May 2021

BACKGROUND

Council, at its meeting held 24 May 2021 resolved, in part:

- “2. That the independent investigator be tasked to audit past code of conduct complaints over the term of council to ascertain that the processes adopted complied with the relevant code of conduct processes.*
- 3. That the independent investigator seek to interview all councillors, all directors and other staff and community members as they see fit, and prepare a report for the July meeting (or such later meeting as is agreed with council) addressing whether council is and has been over the term of council compliant with its legal and regulatory obligations and to report on any systemic issues arising from the investigation such as might require possible reforms to council policies.*
- 4. That the independent investigator process is to be separate from and not inconsistent with the relevant code of conduct processes.*
- 5. That council reserves its right to promulgate further terms of reference for the independent investigator”*

In this term of Council, a total of 22 complaints have been received that have been dealt with via the Chief Executive Officer’s Delegation.

PURPOSE

1. To ensure that complaints received by council, in the current term of council, have been appropriately assessed and handled in accordance with Council’s Complaints Management Policy and the Procedures for the Administration of the Dubbo Regional Council Code of Conduct.
2. To investigate whether Council, in the current term of Council, has been compliant with its legal and regulatory obligations.

OBJECTIVES

The Independent Investigator will provide a report on systemic issues in a way that is consistent with Dubbo Regional Council’s Code of Conduct.

OUTPUTS

1. The Independent Investigator will provide a report which seeks to reference the matters listed above.
2. The independent Investigator in their report will provide recommendations where previous recommendations or determinations have been made that are not consistent with the Procedures for the Administration of the Dubbo Regional Council Code of Conduct.
3. The Independent Investigator will also provide recommendations where it is found that Council may not have been compliant with its legal and regulatory obligations.

SCOPE

Part One

The investigator will consider a review of complaints received by council in the current term of council (since September 2017) and assess them against council's complaints management policy and council's procedures for the administration of the Dubbo Regional Council Code of Conduct.

The investigator will make a determination on each of the complaints received, whether:

- The complaint has been assessed and administered appropriately under the complaint management policy.
- The complaint has been assessed and administered appropriately under the procedures for the administration of the Code of Conduct.
- The complaint has been assessed and administered appropriately in the referral to external agencies/authorities.
- Action taken by staff was reasonable and/or lawful.
- The current complaints processes are best approach.

Part Two

The investigator will determine if Council is and has been over the term of Council compliant with its legal and regulatory obligations and is to report on any systemic issues arising from the investigation. The investigator will interview, at a minimum:

- All Councillors (10)
- All Directors (5)
- Any other staff as deemed necessary
- Any community members as deemed necessary

THE INDEPENDENT INVESTIGATOR'S AUTHORITY

- The independent investigator will be provided with a copy of Council's Policies and Procedures; Complaints Management Policy, Code of Conduct, and Procedures for the Administration of the Dubbo Regional Council's Code of Conduct
- The independent investigator will be provided with a copy of any Council minutes and reports referencing code of conduct matters in the current term of Council
- The independent investigator will be given access to correspondence relating to the complaints received
- The independent investigator will be given access to any other documentation that is relevant to the investigation
- The independent investigator will be given access to interview Councillors, Directors, and other staff and community members relevant to the investigation
- If the independent investigator needs further authority to gain access to usually restricted information they are to seek assistance from the Chief Executive Officer.

THE INDEPENDENT INVESTIGATORS OBLIGATIONS

- Act fairly, without bias
- Disclose any potential conflicts of interest
- Give people who are implicated in the investigation a full opportunity to participate and provide any information to the independent investigator
- Make all reasonable enquiries to gather evidence before making a finding
- Complete review in a timely manner
- Observe confidentiality requirements

TIMING

This report, including any recommendation of review is to be presented to the Chief Executive Officer no later than 5 July 2021 to be subsequently provided to the Ordinary Council Meeting to be held 26 July 2021.

FEE PROPOSAL INCLUDING SCHEDULE OF RATES

In submitting for consideration a fee proposal, an estimation of hours to perform all tasks associated with investigation through to production of report for all complaints in this term of Council is required. Itemisation of known disbursements should be shown. An example table is provided.

Item	Hourly Rate	Estimation of quantity	Total
Professional Fees: Director			
Professional Fees: Associate			
Travel/ Accommodation			
Expenses			