

Attch 1 - Joan Irwin's web enquiry received from Erica Bursford

Jan Evans

From: Doug Bassett [dbassett@plam.com.au]
Sent: Thursday, 9 March 2023 10:02 AM
To: janevans108@gmail.com
Subject: FW: CONFIDENTIAL: DJB:LAS:23879 RE: Joan Irwin
Attachments: ATT00001.png; Contact Page Form from Joan to Tenterfield Shire Council (4.35 KB)

Hello Jan,

This is the e-mail from Council.

I understand that Joan has made a complaint to via the mayor.

Kind Regards,

Doiug

Douglas Bassett
Principal Solicitor
Accredited Specialist – Property Law



O: 330 Rouse Street Tenterfield NSW 2372
P: PO Box 502 Tenterfield NSW 2372
T: 02 6736 3455
E: dbassett@plam.com.au | **W:** www.plam.com.au

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From: Erika Bursford <e.bursford@tenterfield.nsw.gov.au>
Sent: Monday, February 27, 2023 1:20 PM
To: Doug Bassett <dbassett@plam.com.au>; peterjoan22@gmail.com
Subject: CONFIDENTIAL: DJB:LAS:23879 RE: Joan Irwin

Good Afternoon Doug,

As requested in your correspondence of 14 February 2023 to Tenterfield Shire Council, on behalf of Mrs Joan Irwin, please find attached the email sent to Council's email box on 13 December 2022 by Mrs Irwin.

The email is also being provided to Mrs Irwin, to her email address.

With regards,

Erika

To: joan irwin <[REDACTED]>

Hi there,

Joan has contacted you via the contact form on your website. The following information was filled out and sent to you.

First
Name: Joan

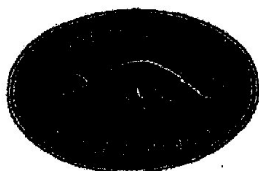
Last
Name: Irwin

Phone: [REDACTED]

Email: [REDACTED]

Message: For months I have heard about Mr. Buckingham's comments about locals over 50. He allegedly said that "if older people can't afford to live here (Tenterfield Shire) then they should move and let "new blood" move in." If he did in fact make this asinine remark, he should publicly apologize to all the citizens of the Tenterfield Shire. My husband and I are both over 50, for a member of council staff to make a comment belittling rate payers because of their age isn't a good look for the council. I hope this matter is looked into and if these remarks are true, find another person to replace him.

A notification email has been sent to Joan to let them know that someone from your team will be in touch as soon as possible.



Birthplace of Our Nation

TENTERFIELD NSW 2372

CU/8 OUT22/4104F139

By Email:

Dear Madam,

Thank you for your asinine email; I was going to treat your email with the contempt it deserves and ignore it. I am, however, weary of stupid statements made by people such as yourself who believe everything they read on social media or hear from other parties, never do any research, and join the pack in a rush of fabricated outrage to believe everything they hear and slander innocent people. Hence, this strongly worded personal response may hint at my annoyance at this ongoing slander. Firstly, I will categorically tell you that I never made this statement. This poppycock was a lie made at a public meeting by a person known for fabrication of words; they are disingenuous and less than free with the truth. I have taken the time to write back to you so I can personally state that your email is not only insulting to the intelligence of any rational human being but absolute rubbish. This is simply because I never made the comments you allege; they are untrue and slanderous. Unfortunately, this is one of the sad reflections of today's society; people seem to be able to tell lies and slander other people and think that this is ok and that there will be no damaging blowback.

It is particularly galling, considering I provide volunteer services and invest in several organisations that assist the less fortunate; this includes visiting and supporting people in aged care. My whole career in public service has been focused on delivering a better society and building community. Further exacerbating my annoyance and highlighting the stupidity of your correspondence is the fact that I am also 60 years old. Considering such, your comments are not only ill-informed, but they are also libellous.

If you would be kind enough to provide to me the name of the person that perpetuated this defamatory lie I will pass it on to my legal counsel. Likewise, rest assured that if I hear that you are also spreading this defamatory and libellous drivel, you will receive a demand for compensation from my legal counsel. In the future, I would suggest that, rather than slander other people that actually serve the community, you keep your ill-informed comments to yourself unless you have facts or heard the comments ~~to your claim, I have direct~~ first-hand.

Chief Executive

Tenterfield Shire Council

247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 Facsimile: (02) 6736 6005 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN: 85 010 810 085

Should you like to discuss this further in person, I am happy to make myself available before 23 December 2022 or after 9 January 2023.

Yours Sincerely



Daryl Buckingham

Chief Executive Officer

16/12/2022

Attch 3 - Joan Irwin's formal complaint to TSC

----- Forwarded message -----

From: **Bronwyn Petrie** <b.petrie@tenterfield.nsw.gov.au>

Date: Tue, 28 Feb 2023 at 18:27

Subject: Re: code of conduct complaint

To: joan irwin [REDACTED]

Hi Joan

I shall pass this on to the Manager of Governance Ms Erika Bursford. Erika will contact you to advise on how the complaints process is conducted and if she requires any additional information from you.

I did speak with Mr Buckingham about his letter when he returned to work last month. He showed me your letter to council regarding his purported comments (which I assure you he did not make) and I may share with you he was likewise upset about the contents of your letter. May I have your phone number for Erika to ring you or would you prefer that she deal with you via email?

Kind regards

Bronwyn

Sent from my iPad

On 28 Feb 2023, at 6:03 pm, joan irwin [REDACTED] wrote:

Mayor Petrie, I wish to formally file a complaint against Mr Daryl Buckingham for the reply he sent me on the 16th of December 2022. I haven't been the same since I received that letter. I have been advised he is in breach of general conduct 3.1

a, d, e, and g. I feel that something has to be done about this, and soon. I do hope you will help bring this to a satisfactory end. Or I feel I must take this matter to the Local Government of NSW.
Regards, Mrs Joan Irwin

(a copy of the letter attached)

Attch 4 - Mayor B. Petrie's reply of 10 March 223



Birthplace of Our Nation

10 March 2023
CU/8 OUT23/13ADE142

Mrs Joan Irwin

[REDACTED]
TENTERFIELD NSW 2372

Dear Mrs Irwin,

Allegation of Breaches of Tenterfield Shire Council Code of Conduct 2020 by Chief Executive Officer Daryl Buckingham

I refer to your complaint made to Tenterfield Shire Council on 28 February 2023, alleging Council's Chief Executive Officer, Mr Daryl Buckingham, has breached Council's Code of Conduct 2020.

Specifically, your complaint alleges that Mr Buckingham's letter of 16 December 2022, in response to your email correspondence received by Council on 13 December 2022, is in breach of General Conduct under 3.1 a,d,e and g under the Code of Conduct 2020.

A Preliminary Assessment of your complaint has been undertaken by Council's Public Officer, Ms Kylie Smith, in accordance with Council's Code of Conduct 2020 (the Code) and the Procedures for the Administration of the Code of Conduct 2020 (the Procedures).

Preliminary Assessment

Having assessed your complaint against the criteria in sections 3.1, 9.10, 9.11 and 9.12 it is considered that the complaint has not remained confidential, as required under sections 9.10, 9.11 and 9.12 of the Code. This is evidenced by your emails on the matter, including your separate email request of 28 February 2023 for referral of all communications on the matter to be sent to a third party.

Consideration

The complaint is unlikely to be a breach of the Code, and the alleged conduct is not considered to be sufficiently serious to warrant investigation. As I have advised you previously myself on 28 February 2023, the tenet and tone of your originating email of 13 December 2023 caused hurt for Mr Buckingham. I can say, however, that this

All correspondence should be addressed to:

Chief Executive

Tenterfield Shire Council

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ABN: 85 010 810 083

matter has already been the subject of discussion between Mr Buckingham and myself about my expectations.

Decision

Under section 5.3 of the Procedures for the Administration of the Code of Conduct 2020, Tenterfield Shire Council will not take any further actions in relation to your complaint against Tenterfield Shire Council Chief Executive Officer, Mr Daryl Buckingham.

Yours sincerely,



Bronwyn Petrie

Mayor

Attch 4a - TSC Code of Conduct excerpt

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute
- b) is contrary to statutory requirements or the council's administrative requirements or policies
- c) is improper or unethical
- d) is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439). Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4. Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that: a) is not wanted by the person b) offends, humiliates or intimidates the person, and c) creates a hostile environment.

Note: Tenterfield's Shire Council's Code of Conduct only applies to Council employees not members of the community.

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which: a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour: a) aggressive, threatening or intimidating conduct b) belittling or humiliating comments c) spreading malicious rumours d) teasing, practical jokes or ‘initiation ceremonies’ e) exclusion from work-related events f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level g) displaying offensive material h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code.

Examples of reasonable management action may include, but are not limited to: a) performance management processes b) disciplinary action for misconduct c) informing a worker about unsatisfactory work performance or inappropriate work behaviour d) directing a worker to perform duties in keeping with their job e) maintaining reasonable workplace goals and standards f) legitimately exercising a regulatory function g) legitimately implementing a council policy or administrative processes.

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