

17 May 2024

Dr Jenia Meng
11 Moana Close
WOREE QLD 4868

Email: jen.cc18@yahoo.com

“WITHOUT PREJUDICE”

Dear Dr Meng,

Outcome of Internal Review into the outcome of the Employee Conduct Complaint

Introduction

Cairns Regional Council (‘Council’) refers to your email dated 16 March 2024.

In your email, you request that Council commence an Internal Review (IR) of the outcome of the Employee Conduct Complaint provided to you on 15 March 2024. You maintain that the outcome of the Employee Conduct Complaint is incorrect and that Council Officers conducting their regulatory roles is considered harassment (‘your Complaint’).

The IR request was reviewed and accepted commencing 19 March 2024.

Council confirms that it has now conducted a review of your Complaint under its IR process.

The purpose of this letter is to advise you of the outcome of your Complaint.

Your Complaint

In your Complaint you state inter alia that:

“Dear Recipients at Cairns Council.

I am not satisfied with the outcome of my complain to two council workers, request for IR, as your narrative is incorrect, it ignored important details.

Your previous overgrow notice (around the time of Jasper cyclone) was addressed. Visit of the two council workers alone is a harassment (banging my door when I was naked in side), plus there are their lies in writing and bad handle of the matter over the months. -Your notice around Jasper cyclone was addressed: we already trimmed/mowed (You can even see it in the last two notices you sent to us, plants in the photos of fence line are different, they are trimmed). -I invited the council workers to talk to me on social media in public, but they declined. I prefer transparency because of activities of hate groups.

I have been talking to QLD human rights commission about activities of local hate groups over the years by this email address.

-In the later email the workers sent to me, as I asked them to put in writing, there are dishonest/defamation statements. I corrected them in replies and copies were sent to council@cairns.qld.gov.au.

*In the email, Pinto tried to interference my private life. It is an instance of governmental worker overreach through misinformation
<https://www.infrastructure.gov.au/sites/default/files/documents/acma2023-e3738-peter-glass.pdf>*

These are details of their aggression, harassment and abusing power. You can ask neighbors, and check our public blogs online, we trim our garden once a while. There are neighbors with similar dense gardens nearby.

*The council workers used overgrow as an excuses of stalking people. Not to mention we are an conservation project with carbon-capture goals (our website: <https://bc.goodeasy.info>)
Stalking - Wikipedia " Stalking - Wikipedia Stalking is unwanted and/or repeated surveillance or contact by an individual or group toward another person.[1]... .*

Dr Jenia Meng 11 Moana Cl, Woree"

Response to your Complaint

An IR considers the procedures followed to form the basis of Council's decision. This ensures that Council is operating in line with best practice and that due diligence has been undertaken when investigating your concerns.

In carrying out an IR, all information and material that formed part of the original investigation and any additional information or material considered relevant to the review has been assessed. Council's Document Management (DM) system and Customer Request Management (CRM) system have been searched thoroughly to identify correspondence relating to the matters you have raised.

Information was also sought from experts in the area to provide relevant information and clarify information as required.

On 15 February 2024, Council issued you with a Compliance Notice and Information Notice ("the Compliance Notice") for the property at 11 Moana Close, Woree Qld 4868.

On 19 February 2024, you requested a review of the Compliance Notice ("review application").

On 7 March 2024, for the reasons outlined below, the Compliance Notice was confirmed.

The reasons for making the abovementioned decision are as follows:

1. Council continues to receive ongoing complaints from members of the public regarding the overgrown and unsightly state of the allotment at 11 Moana Close, Woree Qld 4868.
2. In accordance with section 11 of Local Law No. 3, an authorised person has formed the opinion that the allotment at 11 Moana Close, Woree Qld 4868 is overgrown with vegetation to such an extent that it has seriously affected the visual amenity of the allotment.
3. The authorised person has been appointed in accordance with section 202 of the *Local Government Act 2009*.

4. The Compliance Notice does not prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.
5. Maintain the allotment at 11 Moana Close, Woree by cutting and clearing all overgrown and accumulated vegetation to a standard that is similar to or consistent with other residential properties in the immediate area.
6. Remove and appropriately dispose of all cut and accumulated vegetation from the property.
7. All remedial works to be completed by **5pm on 22 March 2024**.
8. Failure to complete the remedial works to Council's satisfaction by the above date may result in Council completing the remedial works set out in points 1 and 2. Council may recover costs of action taken as a debt from the property owner.

You submitted a complaint pertaining to the conduct of two Council employees on 16 February 2024. A full copy of the complaint is included as **Appendix A**. You emailed Council's corporate email advising:

*"CORPORATE EMAIL - Wednesday, February 14, 2024 2:49 PM Dear Recipient, I have a conservation project (web <https://bc.goodeasy.info>) in Woree, we have been targeted by hate groups before. I'd like to submit a complain to Craig Phelps and Danny Pinto who went to my property today without appointment. They have been harassing our nonprofit work partly due to lack of knowledge of https://en.wikipedia.org/wiki/Natural_landscaping Dr Jenia Meng
EMAIL THREAD ATTACHED"*

On 15 March 2024, you were advised that the Executive Manager of Licensing and Compliance had reviewed your complaints regarding the conduct of two Council employees, and provided the following response:

"Council refers to your allegations about the conduct of two of Council's employees from the Local Laws Team.

We can advise that your concerns as detailed in your complaint have been thoroughly investigated.

Council can advise that all parties involved have been spoken to and your complaint investigated by the Executive Manager Licensing and Compliance and reviewed by the relevant Human Resources Advisor.

In accordance with the Information Privacy Act 2009, Council is unable to disclose a detailed outcome of the results of the investigation or any remedial action taken.

Notwithstanding the above, an overview of the investigation as undertaken by the Executive Manager Licensing and Compliance has determined that:

- *The Officers attended at 11 Moana Close, Woree in an attempt to speak with the owner of the property.*
- *The reason for attending at the premises was to follow up on an expired Compliance Notice issued to the owner for the overgrown state of the allotment.*
- *Prior to the attendance at the property, the Officers attempted all reasonable measures to contact you before attending site to discuss the matter. This included leaving voicemail messages and emails.*
- *The processes followed are Council's standard processes which would be utilised for any investigation.*
- *The Officers were carrying out their regulatory requirements, this does not constitute harassment.*

- *The actions undertaken by the Officers was appropriate in the circumstance at the time.*

The findings of your complaint are therefore unsubstantiated.”

You have requested the Officers respond to you via Facebook. Please be advised this is not the method of formal communication Council approves. All communication to you will be from a Council email address i.e. an email address ending with ***@cairns.qld.gov.au

Council further notes that you have requested specific officers not to contact you. To accommodate your request, the Coordinator Local Laws, Compliance & Appeals attempted to call you on 2 May 2024 on the numbers previously provided by you to Council, these included 0481 819 767 and 0406 957 631. As there is no voice mail message that identifies those numbers belong to you, the Coordinator did not leave a message.

The notices issued to you by Council have been reviewed and determined as lawful and in accordance with the *Local Government Act 2009* and Council's Local Laws, specifically [Local Law No.1](#).

26 Compliance notice authorised by local law

(1) This section applies if:

- (a) a local law provides that an authorised person may give a compliance notice to a person; and
- (b) the authorised person gives a compliance notice to the person (the **recipient**).

(2) The compliance notice must state the following:

- (a) the provision of the local law that authorises the authorised person to give a compliance notice;
- (b) the specified action that the recipient must take to comply with the notice;
- (c) the time by which the recipient must comply with the notice;
- (d) that it is an offence to fail to comply with the notice; and
- (e) the maximum penalty for failing to comply with the notice.

(3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.

(4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity, and the risk of environmental harm that may result from failure to comply with the notice.

(5) The recipient must comply with the compliance notice.

...

Maximum penalty for subsection (5)—50 penalty units.

(7) The local government must give the person an information notice.

Internal Review Decision

A review of the following information has been undertaken:

- A review of CRM and DM,
- Information you provided as part of your original complaint,
- Copies of relevant emails, and
- Information identified as part of the Internal Review process, including liaising with the relevant parties.

The determination of this Internal Review is:

- The nominated officers' actions were reviewed by their Supervisor, Coordinator and Executive Manager.
- Their actions were deemed to be in accordance with their regulatory duties.
- The nominated officers have acted appropriately in conducting their regulatory activities.
- Council have been unable to find any evidence to substantiate your claims that the officers conduct was inappropriate.

We therefore advise that the original decision made by the Executive Manager of Licensing and Compliance and under the Employee Conduct Complaint process was appropriate and the decision upheld.

Your complaint is unsubstantiated.

Review Rights

Should you remain dissatisfied with the response provided or the way your complaint has been handled you may escalate your concerns to the Office of the Queensland Ombudsman for external review using the contact details below.

Queensland Ombudsman

GPO Box 3314

BRISBANE QLD 4001

Freecall: 1800 068 908

Website: <https://www.ombudsman.qld.gov.au/about-us/contact-us>

We appreciate the opportunity to review this matter on your behalf.

Yours sincerely



Aaron Smith

A/Executive Manager Organisational Performance

Appendix A

From: Jen CC <jen.cc18@yahoo.com>

Sent: Wednesday, February 14, 2024 2:49 PM

To: Craig Phelps <C.Phelps@ Cairns.qld.gov.au>; Daniel Pinto <Daniel.Pinto@ Cairns.qld.gov.au>;

Cairns Regional Council <council@ Cairns.qld.gov.au>; Revegetation Grants

<Revegetation.grants@ Cairns.qld.gov.au>; Auto Reply <AutoReply@ Cairns.qld.gov.au>

Subject: Complain about Craig Phelps and Danny Pinto Re: Overgrown Allotment - 11 Moana Close, Woree

[External Email] This email was sent from outside or a non-trusted organisation - be cautious, particularly with links and attachments.

Dear Recipient,

I have a conservation project (web <https://bc.goodeasy.info>) in Woree, we have been targeted by hate groups before. I'd like to submit a complain to Craig Phelps and Danny Pinto who went to my property today without appointment. They have been harassing our nonprofit work partly due to lack of knowledge of https://en.wikipedia.org/wiki/Natural_landscaping

Dr Jenia Meng

-

Detail below

Response to Phelps :

I asked you to leave because I felt being harassed by you.

You came and banging my doors/screens loudly, I was naked inside. You have my email, and I offered you transparent communication on social media in my email last year, but you declined.

I got voice message from unknown numbers, I don't know who are they. Can be scams. Why didn't you use document the communication to reach me? What do you want to hide? Discrimination? Intimidation?

Your email below was untrue. The front yard of my property is recent mowed and it is in the average state like the past 3 years. You wanted to remove plants in my fully fenced (2 meter tall solid) backyard in previous email, I already explained to varies people in the council, people cannot see inside of our backyard, it is not an issue of visual amenity and overgrow. It is our private conservation area.

Dr Jenia Meng

On Wednesday, 14 February 2024 at 02:54:12 pm AEDT, Craig Phelps <c.phelps@ Cairns.qld.gov.au> wrote:

Good afternoon, Jenia.

Further to our brief discussion at your residence earlier this afternoon, Council Officers, including myself, have left numerous voice-mail messages on your phone requesting a return phone call to

Cairns Regional Council

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discuss the current state of the above property and your email reply. In the opinion of Council's authorised Officers, the property is severely overgrown and unsightly. Urgent remedial action is now required. The property must be maintained by way of slashing/mowing, trimming fence/boundary lines and removal of accumulated vegetation.

To formalise this request, Council will issue a new Compliance Notice outlining what is required. You will be afforded a 14 day compliance period to have the remedial works completed to Council's satisfaction. Failing compliance by the due date, Council will issue you with a Penalty Infringement Notice for \$774 for not complying with the Compliance Notice. Council will then proceed with further action to enter the property with contractors to attend to clearing works. If necessary, a court ordered warrant will be obtained to gain access if denied by you.

Also note that should it come to down to Council engaging contractors to do the maintenance required, all associated costs will be passed onto you as the property owner for payment.

Please feel free to contact me if you require clarification.

Regards,

Craig

Craig Phelps

Supervisor Local Laws

Licensing & Compliance

Cairns Regional Council

P: 07 4044 3745 | E: C.Phelps@cairns.qld.gov.au

PO Box 359 | 119-145 Spence Street, CAIRNS QLD 4870

From: Jen CC <jen.cc18@yahoo.com>

Sent: Friday, December 8, 2023 6:49 PM

To: Daniel Pinto <Daniel.Pinto@cairns.qld.gov.au>; Cairns Regional Council <council@cairns.qld.gov.au>; Dylan Thomas <dylan.thomas@cairns.qld.gov.au>

Subject: Your unreasonable solution Re: Vine on neighbor side of fence in your notice Re: 11 Moana Close, Woree

[External Email] This email was sent from outside or a non-trusted organisation - be cautious, particularly with links and attachments.

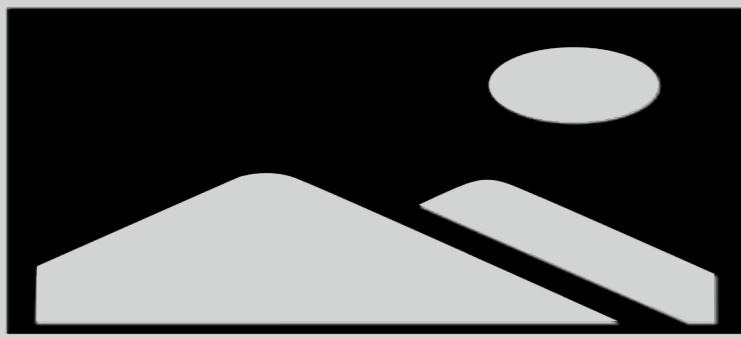
Hi Pinto

Is this council's opinion or your personal opinion? I am afraid you don't have enough knowledge on the subject.

I manage a biodiversity conservation gardening in my Woree property, we are a member of a UN network (web: bc.goodeasy.info).

We conduct original research here. Our garden is low maintenance and protects wildlife such as bandicoots inside

We do https://en.wikipedia.org/wiki/Natural_landscapingpedia



Natural landscaping - Wikipedia

Natural landscaping is adapted to the climate, geography and hydrology and should require no pesticides, fertili...

Council has obligation in biodiversity conservation.

You should fund us, support us, instead giving us troubles.

<https://www.qld.gov.au/environment/plants-animals/biodiversity/strategy>

Guinea grass and vine are crops we grow, I have explained to you before. Wildlife eats the grass and seeds.

We use them for tea too.

I have two meter solid fence. People cannot see inside unless they invaded the property

You ask my fully fenced back yard to be mowed (I think you mean clear my crops?).

The local law is about visual amenity, why you ask me to change/remove something people cannot see? It is just like you demand I manage my bathroom and bedroom in your way.

And why you want to clear my crops (my private property)?

As to the vines on neighbors side, just cut them on their side, I have no problem with that
If a tree is near the fence, people do the same. Cut the branch that goes over the fence.

Your solution will disrupt the habitat and food supply of wildlife in our conservation garden. It also requires constant maintenance of in the future. My group is a nonprofit group, don't have the fund and staff for the task.

Most importantly it is bad for biodiversity.

I am active on social media, you are welcome to debate with me there in public, I can provide more evidence to you if you need <https://fb.com/groups/woree.creek>

I prefer transparency in council management to prevent corruption and discrimination

Regards

Dr Jenia Meng

PhD, Vet school, UQ

On Friday, 8 December 2023 at 09:46:45 am AEDT, Daniel Pinto <daniel.pinto@cairns.qld.gov.au> wrote:

Good Morning Jenia,
Cairns Regional Council

Council requires the lawn at the back of your property to be mowed. You can see the top of the grass growing higher than the fence line. The vines along the fence line will have to be cleared also. The vines are growing from your side of the property, by removing the vines from your side of the property should clear your neighbour's side. Guinea grass at the front is overgrown and will have to be trimmed down. If Council must come in and take required actions this will not be a free service, charges will apply.

If you wish to do the services yourself, I am happy to work with you to come up with reasonable time frame. Please feel free to contact me by phone or email.

Kind regards,

Danny Pinto | Local Laws Compliance Officer
Licensing & Compliance | Cairns Regional Council

Phone: 40443145

daniel.pinto@cairns.qld.gov.au

PO Box 359, 119-145 Spence St, Cairns Q 4870

From: Jen CC <jen.cc18@yahoo.com>

Sent: Thursday, December 7, 2023 3:52 PM

To: Regulatory Admin <RegAdmin@cairns.qld.gov.au>; Cairns Regional Council <council@cairns.qld.gov.au>; Dylan Thomas <dylan.thomas@cairns.qld.gov.au>

Subject: Vine on neighbor side of fence in your notice Re: 11 Moana Close, Woree

Hi

I was on holiday, missed your first notice. I had a look at it just now.

Your photos of vine is on my neighbor side of fence, outside my property.

I cannot clear it, as it would need enter my neighbor's property for the work.

Can you explain your intention, what you really want me to do?

And if you need to clear these vines, you need to notify the neighbor for entry.

Dr Jenia Meng
Owner of 11 Moana cl, Woree
0481819767