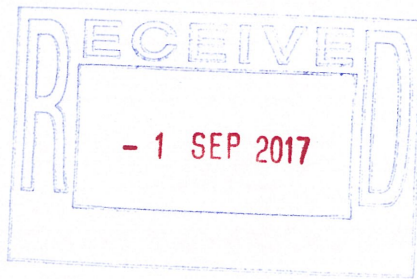


Cr Adam Meyer  
38 Anderson Terrace  
YORKETOWN SA 5576



30<sup>th</sup> August 2017

Andrew Cameron  
Chief Executive Officer  
Yorke Peninsula Council  
PO Box 57  
MAITLAND SA 5573

Dear Andrew

**FORMAL MOTION ON NOTICE**

You are advised that at the 13<sup>th</sup> September 2017 meeting, I propose to move the following motion:

***That Council revoke the decision made at the 5<sup>th</sup> July 2017 Confidential Meeting, point 3 as follows;***

*3. undertake compulsory training for all Elected Members and Senior Staff in relation to the Code of Conduct for Council Members and Staff, conflict of interest provisions and general governance matters under the Local Government Act 1999.*

*CARRIED 168/2017 (05/07/2017)*

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**Reasons for motion**

On Wednesday 24<sup>th</sup> May 2017, Cr Hoyle sent the following email.

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-----Original Message-----

From: Cr Scott Hoyle

Sent: Wednesday, 24 May 2017 9:49 AM

To: Andrew Cameron <[Andrew.Cameron@yorke.sa.gov.au](mailto:Andrew.Cameron@yorke.sa.gov.au)>

Cc: Mayor Ray Agnew <[MayorRay.Agnew@yorke.sa.gov.au](mailto:MayorRay.Agnew@yorke.sa.gov.au)>; Councillors <[zcouncillors@yorke.sa.gov.au](mailto:zcouncillors@yorke.sa.gov.au)>

Subject: Compliance update.

Good morning Mayor Ray, Fellow Councillors & Andrew, We are now past the half way point of our term as elected councillors. We new councillors have settled into our roles with enthusiasm, polished off some brashness & hungry to bring about good outcomes for the whole council area. Combined with the experience of our longer term councillors, we have a good mix of skill sets & personalities within the current elected body. That said it has been a while since our initial induction & it would be quite timely that the elected body refresh our understanding of the local government act & clarification of our legal requirements & responsibilities in relation to it.

Does anyone have a specific area or topic that they see as worthwhile spending some additional time on?

Or would an overall clarification of requirements, regulation & protocols be what is needed.

To maintain operational functionality we should all attend to ensure that we act within an appropriate & legal frame work.

If there are any specific areas that you would like targeted would you please email Andrew directly.

Andrew would you organise the facilitation of an update for us sooner rather than later thank you.

Regards,

Scott Hoyle, Deputy Mayor.

Ph: 0417 666 556

Sent from my iPad.

On the 25<sup>th</sup> May, 2017, I sent the following email.



Thu 25/05/2017 8:45 AM

Cr Adam Meyer

RE: Compliance update.

To: Andrew Cameron

Cc: Cr Adam Meyer; Cr Alan Headon; Cr Darren Braund; Cr David Langford; Cr Jeff Cook; Cr John Rich; Cr Naomi Bittner; Cr Scott Hoyle; Cr Tania Stock; Cr Trevor Davey; Cr Veronica Brundell; Jackie Reddaway; Mayor Ray Agnew

We removed extra line breaks from this message.

Hi Andrew,

I have found the staff to be able to clarify questions I have in regards to due process etc. except for a recent example which is being reviewed.

Are you aware of any Elected Member that isn't aware of their obligations? Aren't we maintaining operational functionality? Is there something that Cr Hoyle has picked up on that I'm missing?

I didn't think there is a need for group clarification of the Local Government Act. Please correct me if I'm wrong.

Regards

Adam

Cr Adam Meyer

Yorke Peninsula Council

E: [adam.meyer@yorke.sa.gov.au](mailto:adam.meyer@yorke.sa.gov.au) | W: [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au) This email is intended for the named recipient only. The information contained in this message may be confidential or commercially sensitive. If you are not the intended recipient you must not reproduce or distribute any part of this email, disclose its contents to any other party, or take any action in reliance on it. If you have received this email in error, please contact the sender immediately. Please delete this message from your computer.

I am not aware of any issues being raised by the CEO or Elected Members which indicate that Elected Members are not aware of their obligations under the Local Government Act 1999.

The below is copied directly from the Code of Conduct for Council Members, dated 18 August 2013;

**Findings**

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
  - 2.25.2 Pass a censure motion in respect of the Council member;
  - 2.25.3 Request a public apology, whether written or verbal;
  - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
  - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
  - 2.25.6 Request the member to repay monies to the Council.

My reasons for submitting this motion include:

- 1) The compulsory nature of the training of Elected Members,
- 2) The cost to ratepayers of training Elected Members, when no examples of the need for this training have been supplied by Staff or Elected Members,
- 3) The compulsory legislated training having been conducted already,
- 4) The lack of definition on which "senior staff" are to be included.
- 5) The impost on Elected Members personal time to attend this training when there is no current evidence that they are not meeting their obligations,
- 6) Under section 2.25.4 of the Code of Conduct for Council Members, this type of training is seen as a punishment from the elected body for a breach of the Behavioural Code, A punishment that cannot be enforced as it is a request.
- 7) The matter that this item is attached to is under formal independent review.

I am concerned that this Elected Body could be seen by the public as receiving remedial training for behaviours not being exhibited by the Elected Body. Bearing in mind that the 12 month confidentiality status of this item will expire just prior to the next Election. This could have an unnecessary negative effect of the perceptions the public have on current serving members that may wish to stand for Election at the next ballot.

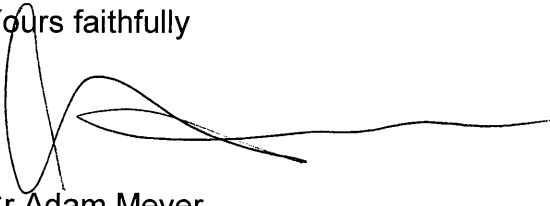
The original motion enforces training that even a breach of the Code of Conduct cannot.

There is nothing in this revocation motion that prevents any Elected Member from requesting extra training if they see a personal need for a voluntary refresher of these topics.

If the training budget allows, I'm sure the CEO would supply training to interested parties that request it.

If the above motion is passed, I do not intend to submit a replacement resolution.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long, horizontal, wavy line that tapers off to the right.

Cr Adam Meyer

Innes Pentonvale Ward