

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 28 SEPTEMBER 2021 AT 7.00PM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

The Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

His Worship Mayor K Knight, Crs B Rankine, B Keane, J Lintvelt, L Jones, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field and S Keane.

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Mrs D Taglierini	Governance Advisor
Mrs I Wilkshire	Manager City Strategy
Mr G D'Aloia	Manager Civil Assets
Mr R Hutchison	Team Leader Park Assets
Mrs F Birch	Manager Recreation Leisure & Community Safety
Ms L Watson	Community Safety Leader
Mr N Grainger	Manager City Development
Mr T Amato	Team Leader Communications, Marketing & Events

Record of Officers in Attendance via Electronic Means (audio-visual link)

Mr B Mann Pest Management Project Officer

2.5 Record of Number of Persons in the Public Gallery – Physical Attendance

12 Attendees

2.6 Record of Media in Physical Attendance

Ms Tracy Riddle, Kelledy Jones Lawyers
Mr Paul Kelly, Norman Waterhouse Lawyers (remote access)

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Field, Seconded Cr B Keane

That the Minutes of the Council Meeting held on 14 September 2021 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (983)

4. Mayor’s Report - Nil

5. Public Forum

Mr John Cotis spoke in relation to the management report titled “By-Law Review – Outcomes of Community Engagement and making of the 2021 Council By-Laws”.

Mr Paul Holmes spoke in relation to the management report titled “Recycling Centre 1272 North East Road, Tea Tree Gully”.

Ms Adla Mattiske spoke in relation to the management report titled “Code of Conduct – Complaint against Cr Jones”.

Ms Kristel Beagley spoke in support of the Edinburgh Reserve Inclusive Playspace project.

6. Deputations - Nil

7. Presentations - Nil

8. Petitions

8.1 Petition - Opposition to Development Application for a Recycling Depot at 1272 North East Road, Tea Tree Gully (D21/71853)

Council received the petition.

9. Declaration of Conflicts of Interests

Cr Field advised he would be declaring a conflict of interest in the management report titled “By-Law Review – Outcomes of Community Engagement and making of the 2021 Council By-Laws”.

Cr Jones advised he would be declaring a conflict of interest in the management report titled “Code of Conduct - Complaint against Cr Jones”.

The Mayor sought leave of the meeting to bring forward the following management reports:

- *Recycling Centre 1272 North East Road, Tea Tree Gully*
- *By-Law Review – Outcomes of Community Engagement and making of the 2021 Council By-Laws*
- *Code of Conduct – Complaint against Cr Jones.*

Leave was granted.

10. Management Reports

Community & Cultural Development

10.1 Recycling Centre 1272 North East Road, Tea Tree Gully (D21/72121)

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council’s Chief Executive Officer writes, on behalf of Council, to the State Planning Commission indicating that Council resolves not to support the proposed change in land use from an existing retail fuel outlet to mixed-use development comprising retail fuel outlet and a recycling centre at 1272 North East Road Tea Tree Gully, as the proposal is seriously at variance with the policies in the Planning and Design Code as outlined in the Council report titled “Recycling Centre 1272 North East Road Tea Tree Gully and dated 28 September 2021.

2. That Council endorses the written response to the State Planning Commission set out in Attachment 2 of the report titled “Recycling Centre 1272 North East Road Tea Tree Gully Development Application Number 21013175” and dated 28 September 2021.

Carried Unanimously (984)

10.2 By-law Review - Outcomes of Community Engagement and making of the 2021 Council By-laws (D21/65764)

Cr Field advised that he had sought legal advice regarding what he thought might have been a conflict of interest regarding the Dog By-law report and related recommendations due to the fact that his employer is involved in animal housing. The advice received was that he did not have a conflict of interest however out of an absolute abundance of caution he advised that he would be excusing himself from the debate on this matter by leaving the Council Chamber and its close vicinity at 7.21pm.

Moved Cr B Keane, Seconded Cr Coleman

That having considered the report titled “By-Law Review – Outcomes of Community Engagement and Making of the 2021 Council By-laws” and dated 28 September 2021, Council acknowledges the outcomes of community engagement contained in Attachment 8 and makes the By-laws as contained in Attachments 1 - 6 of the titled report by undertaking the following:

1. Pursuant to Section 246 of the *Local Government Act 1999*:
 - a. there being at least two-thirds of the members of the Council present; and
 - b. Having considered the:
 1. By-law No.1 Permits and Penalties
 2. By-law No.2 – Roads
 3. By-law No.3 – Local Government Land
 4. By-law No.4 – Dogs
 5. By-law No.5 – Moveable Signs
 6. By-law No.6 – Waste Management
 (together, the By-laws).

(reproduced as Attachments 1 - 6 in the report titled “By-Law Review – Outcomes of Community Engagement and Making of the 2021 Council By-laws” and dated 28 September 2021) in light of the National Competition Policy and the Report prepared on the National Competition Policy with respect to the By-laws (reproduced as Attachments 10 - 15 in the report titled “By-Law Review – Outcomes of

Community Engagement and Making of the 2021 Council By-laws” and dated 28 September 2021); and

- c. Acknowledging the public submission made on the By-laws and having considered the response from the Dog and Cat Management Board, Council makes the By-laws in exercise of the powers contained in the Acts Interpretation Act 1915, Dog and Cat Management Act 1995 and Local Government Act 1999.
2. That the Chief Executive Officer be authorised to sign the By-laws as made by the Council.
 3. That the Chief Executive Officer be authorised to publish notice of the making of the By-laws in a newspaper circulating in the local area.
 4. That the Chief Executive Officer be authorised to arrange for the By-laws to be published in the Government Gazette.
 5. The reports to the Legislative Review Committee on the By-laws (reproduced as Attachments 22 - 27 in the report titled “By-Law Review – Outcomes of Community Engagement and Making of the 2021 Council By-laws” and dated 28 September 2021), be adopted and be signed by the Chief Executive Officer on the Council’s behalf.
 6. That the Chief Executive Officer be authorised to arrange for the By-laws and all other necessary documentation to be provide to the Legislative Review Committee.

Carried Unanimously (985)

Cr Field was not present for the vote.

Cr Field re-entered the meeting at 7.35pm.

10.3 Code of Conduct - Complaint against Cr Jones (D21/66648)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Jones declared a material conflict of interest in relation to this matter on the basis that the Code of Conduct complaint was against himself. Cr Jones left the meeting and its close vicinity at 7.35pm while this matter was being discussed and voted on.

During the moving of the motion, the Mayor sought leave of the meeting to allow Cr Field an extension of debating time. Leave was granted.

During the debate,

- *Cr Unger raised a point of order in relation to the external investigator who was there to answer questions in relation to the final report and not to provide the Council with procedural advice. The Mayor overruled the point of order and the external investigator continued to advise Council of their obligations.*
- *Cr Unger raised a point of order in relation to the external investigator who was entering the debate instead of answering the questions at hand. The Mayor overruled the point of order and the external investigator continued answering the questions.*
- *Cr Wyld raised a point of order in relation to the Mayor incorrectly addressing Elected Members. The Mayor upheld the point of order and addressed Elected Members by their correct titles.*

Preliminary Finding

Moved Cr Field, Seconded Cr Wyld

1. That Council notes that while Council's "Process for Handling Code of Conduct Complaints Against Council Members" provides the Responding Elected Member the opportunity to comment on Council's preliminary findings within 5 business days (or such other longer period as determined by Council), in this instance Cr Jones has acknowledged that he has been given sufficient time to consider Council's preliminary findings, as detailed in the report entitled "Elected Member Code of Conduct Complaint – Final Report – Deputy Mayor Jones" and for efficiency, he has requested the opportunity to provide his comments at this 28 September 2021 Council Meeting.
2. That Council makes a preliminary finding that Cr Jones's conduct during a radio interview on ABC radio 891 breakfast show on Wednesday 24 March has not breached clauses 2.2, 2.3 and 2.8 of the Code of Conduct for Council Members, on the basis he was carrying out his duty as Principal Spokesperson noting that:
 - i. Cr Jones had been appointed Principal Spokesperson under Section 58(2) of the Local Government Act 1999.
 - ii. Council's Media Policy 2.7.1, states the principal spokesperson is responsible for communicating information that is consistent with the views and decisions of Council. Where the principal spokesperson's views are counter to the views and decisions of Council, the principal spokesperson must identify that it is his/her personal view.
 - iii. While acting in his role as Principal Spokesperson, Cr Jones interview is only required to deliver views consistent with resolutions passed by Council. He is not therefore required to present any counter or opposing arguments.

- iv. Council voted on 23 March 2021 in favour of upholding the Council Decision from 8 December 2020.
 - v. That comments made by the External Investigator, within 5.9, 5.10, and 5.11 and their respective subsections, plus 5.13 and 5.15 of the Final Report, fail to adequately take into consideration Council's Media Policy
- b. Council determines the complaint to be trivial, vexatious, or frivolous, and when considered against Council's Policy should not have progressed to a formal investigation, noting that:
 - i. In addition to this Code of Conduct complaint, Council has received (as of the 28 September 2021): 1 Ombudsman enquiry, 4 requests for Internal Reviews, and 12 Freedom of Information requests, in relation to Edinburgh Reserve Inclusive Play Space, costing Council in excess of \$37,000
 - ii. Council notes that Cr Jones has undertaken Media training and agrees to take no further action.
- 3. That Cr Jones be now invited to make a response to this matter and Council's preliminary finding.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to reword the entire motion to being received and noted, no action to be taken and to invite Cr Jones to response to this matter. Leave was granted.

Motion as varied

- 1. That Council receives and notes findings provided as Attachment 1 and titled "Elected Member Code of Conduct Complaint – Final Report – Deputy Mayor Jones" in the report titled "Code of Conduct – Complaint against Cr Jones" and dated 28 September 2021.
- 2. That Council notes that Cr Jones has undertaken Media training and on this basis Council agrees to take no further action.
- 3. That Cr Jones be now invited to make a response to this matter and Council's preliminary finding.

Carried (986)

Cr Jones was not present for the vote.

Crs Rankine and Savvas left the meeting at 9.00pm.

Cr Jones, Rankine and Savvas re-entered the meeting at 9.01pm.

Adjournment of Meeting at 9.01pm

Moved Cr B Keane, Seconded Cr S Keane

That the meeting be adjourned for a short break.

Carried Unanimously (987)

The meeting resumed at 9.09pm.

Cr Jones was invited to make a response on the Code of Conduct complaint.

11. Tabling of Response from Cr Lucas Jones regarding the Code of Conduct Complaint

Moved Cr Lintvelt, Seconded Cr Unger

That Cr Jones' written response on the Code of Conduct complaint be tabled and provided in the minutes as Attachment 1.

Carried Unanimously (988)

12. Adjourned Business - Nil

13. Motions Lying on the Table - Nil

14. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Governance and Policy Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

15. Management Reports

Office of the Chief Executive Officer

15.1 Notice of Intent to Acquire Council land - Portion of Lot 905, The Grove Way, Golden Grove - Golden Grove Park N Ride Facility (D21/70901)

Moved Cr S Keane, Seconded Cr Field

1. That Council acknowledges and raises no objection to the “Notice of Intent to Acquire Land” pursuant to Section 10 of the Land Acquisition Act 1969 from the Commissioner of Highways for the Golden Grove Park N Ride facility as outlined in Attachment 1 of the Report titled “Notice of Intent to Acquire Council Land – Portion of Lot 905, The Grove Way, Golden Grove – Golden Grove Park N Ride facility” dated 28 September 2021 for the land parcel identified as portion of Lot 905 in Deposited Plan 115188 comprised in Certificate of Title 6233 Folio 385 provided:
 - 1.1 That this land is reverted to public road to ensure Council’s property (currently Hockey pitches and carpark) and the current legal access for the private properties to the north of this land will have continued lawful access over the land.
2. That Council authorises the Mayor and Chief Executive Officer to sign and seal the “Deed Granting Possession of the Land” once it is received by Council on the condition that it is consistent with the proposed acquisition as detailed in the Notice of Intent for portion of Lot 905 in Deposited Plan 115188 comprised in Certificate of Title 6233 Folio 385.
3. The Council notes that monetary compensation for the acquisition of the land set out in Attachment 1 of the Report titled “Notice of Intent to Acquire Council – Portion of Lot 905, The Grove Way, Golden Grove – Golden Grove Park N Ride facility” and dated 28 September 2021 is proposed to be nil given the Commissioner of Highways considers the construction of the Park N Ride facility is for the benefit of the Council and local community and Council also recognises that its contribution is a considerable in-kind support with the relinquishment of this section of community land being valued at \$71,000.
4. That Council authorises the *Golden Grove Recreation and Arts Centre (Hockey Ground)* Community Land Management Plan to be amended to reflect the changes resulting from the land acquisition, once the acquisition has been finalised.

Carried Unanimously (989)

Assets & Environment

15.2 Environment Resources and Development Committee: Submission to the Perfluoroalkyl and Polyfluoroalkyl substances (PFAS) Inquiry (D21/67807)

Moved Cr Field, Seconded Cr S Keane

That having considered the report titled ‘Environment Resource and Development Committee: Submission to Perfluoroalkyl and polyfluoroalkyl substances (PFAS) Inquiry’, and dated 28 September 2021 Council requests the Chief Executive Officer of Council to submit a response to the Environment Resource and Development Committee with the response shown in Table 1 of this Report before 6 October 2021.

Carried Unanimously (990)

15.3 Nomination for Australian Government Blackspot Program 2022/23 (D21/69844)

Moved Cr Coleman, Seconded Cr Wyld

That Council nominates two locations for federal funding to improve road safety under the Australian Government Blackspot Program 2022-23 for the following projects:

1. The intersection of Wright Road and Kelly Road, Modbury - Improvements to the existing roundabout.
2. The intersection of Hancock Road and Yatala Vale Road, Surrey downs - improvements to the existing roundabout.

Carried Unanimously (991)

15.4 Proposal to undertake Community Engagement for the Development of a new playground on Kaplan Reserve, St Agnes (D21/71532)

Moved Cr Unger, Seconded Cr Savvas

That having considered the report entitled “Proposal to undertake community engagement for the development of a new playground on Kaplan Reserve, St Agnes” and dated 28 September 2021, Council;

1. Endorses community engagement as per the Community Engagement Strategy as set out in Attachment 1 of the abovementioned report.
2. Requests a report on the outcomes of this community engagement to be presented to a future meeting.

Carried Unanimously (992)

Organisational Services & Excellence

15.5 Funding support for District Council of Loxton Waikerie Litigation (D21/72977)

Moved Cr B Keane, Seconded Cr Coleman

That having considered the report titled “Funding Support for District Council of Loxton Waikerie Litigation” and dated 28 September 2021, Council declines the request to provide funding support.

Carried Unanimously (993)

Community & Cultural Development

15.6 Tilley Recreation Park - Shipping Container Storage and Canteen/Bar Facility - Proposed Community Engagement Strategy (D21/69872)

Moved Cr Lintvelt, Seconded Cr Jones

That Council having considered the report titled “Tilley Recreation Park - Shipping Container Storage and Canteen/Bar Facility - Proposed Community Engagement Strategy” and dated 28 September 2021 undertakes the following:

1. That Council authorises community engagement in accordance with Council’s Community Engagement (Public Consultation) Policy, to comply with Section 198 of the Local Government Act 1999 to consider an amendment to the Community Land Management Plan for Tilley Recreation Park for the proposed permanent shipping container for the purpose of a storage, canteen/bar facility for the Tea Tree Gully City Soccer Club.
2. That Council endorses the Community Engagement Strategy outlined in Attachment 5 in the report entitled “Tilley Recreation Park - Shipping Container Storage and Canteen/Bar Facility - Proposed Community Engagement Strategy” and dated 28 September 2021.
3. That a report on the outcomes of the community engagement be presented to Council at a future meeting.

Carried Unanimously (994)

16. Notice(s) of Motions - Nil

17. Motions without Notice

17.1 Reimbursement of Legal Fees for Cr Lucas Jones

Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr Jones declared a material conflict of interest in relation to this matter on the basis the reimbursement was for himself. Cr Jones left the meeting and its close vicinity at 9.45pm while this matter was being discussed and voted on.

Moved Cr Field, Seconded Cr Wyld

That Council resolves to reimburse Cr Jones for out of pocket legal fees incurred as part of a recent legal matter and agrees to reimburse Cr Jones for out of pocket legal fees beyond in Council's Policy position but not exceeding an additional \$1,000 (excluding GST), noting that complaints were received due to comments made whilst Cr Jones was fulfilling his obligations as Council's Principal Spokesperson.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to remove the words "and agrees to reimburse Cr Jones for out of pocket legal fees and include "the amount stipulated" after beyond.-Leave was granted.

Motion as varied

That Council resolves to reimburse Cr Jones for out of pocket legal fees incurred as part of a recent legal matter beyond the amount stipulated in Council's Policy position but not exceeding an additional \$1,000 (excluding GST), noting that complaints were received due to comments made whilst Cr Jones was fulfilling his obligations as Council's Principal Spokesperson.

Carried (995)

Cr Jones was not present for the vote.

Cr Jones re-entered the meeting at 9.50pm.

18. Questions on Notice - Nil

19. Questions without Notice

Cr S Keane asked a question relating to the progress of Edinburgh Reserve Upgrade.

20. Council Delegates and Activities Report - Nil

21. Information Reports

The following Information reports were received at the meeting:

21.1 Pest and weed management report (D21/66212)

21.2 Public Libraries Grant Allocation for 2021-2022 (D21/69404)

21.3 Supplementary Election - Vacancy in Hillcott Ward (D21/71730)

21.4 Removal of a Private Tree at 27 Amanda Drive Surrey Downs (D21/72104)

22. Status Report on Resolutions - Nil

23. Other Business

23.1 Code of Conduct - Complaint against Cr Jones - Final Determination

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Jones declared a material conflict of interest in relation to this matter on the basis that the Code of Conduct complaint was against himself. Cr Jones left the meeting and its close vicinity at 9.56pm while this matter was being discussed and voted on.

Moved Cr Field, Seconded Cr Wyld

That having considered the response from Cr Jones, Council reaffirms its decision in relation to the report titled "Code of Conduct – Complaint against Cr Jones" as detailed in resolution number 986.

Carried (996)

Cr Jones was not present for the vote.

Crs Unger and Savvas left the meeting at 10.31pm.

Crs Jones and Unger re-entered the meeting at 10.32pm.

Extension of Meeting Time at 10.33pm

Moved Cr S Keane, Seconded Cr Coleman

That the meeting be extended until all items of business have been considered.

Carried Unanimously (997)

Cr Savvas was not present for the vote.

Cr Savvas re-entered the meeting at 10.35pm.

24. Section 90(2) Local Government Act 1999 – Confidential Items

24.1 Public Lighting (D21/72204)

Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Coleman

1. That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Public Lighting.
2. That the Council is satisfied that pursuant to section 90(3)(i) of the Act, the information be received, discussed or considered in relation to this item is:
 - information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council or an employee of the Council .
 - o This report contains details of claims for a pending legal case that relates to multiple parties including other councils.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that the report contains details of claims for third parties, and the disclosure of such information is not for Council to release).

Carried Unanimously (998)

The following staff members on duty remained at the meeting for the following item:

Mr J Moyle, Mr R McMahon, Mr T Harfield, Ms C Neil, Mrs D Taglierini and Mr T Amato

22.1 Public Lighting (D21/72204)

The Confidential Resolution No 999 has been withdrawn from the public minute record in accordance with Resolution No 1000.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Coleman

1. That having considered the agenda item titled ‘Public Lighting’ and dated 28 September 2021 in confidence under section 90(2) & (3) (i) and Section 91(7) of the Local Government Act 1999:
 - information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council or an employee of the Council .

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until 28 March 2022 or until the outcome of legal action is finalised and appropriate to release. That this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until the Council resolves otherwise, whichever occurs first.

2. That the Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (1000)

23. Date of Next Ordinary Meeting

12 October 2021

The Mayor declared the meeting closed at 10.36pm.

Confirmed.....
Mayor 12 October 2021

Attachment 1 – Response from Cr Jones relating to Code of Conduct Complaint

Thank you elected members, I rise tonight to make a personal statement before leaving for this item.

I am disappointed with the finding from Kelledy Jones and it is my opinion it is the wrong finding, which has not taken into consideration the issue as a whole and what the role of the Principal Spokesperson is.

I believe it also has the potential to set a dangerous precedent for any other elected member who may in the future speak to the media about a council matter but fails to list off all of ones' particular sides grievances.

At all times during the course of this investigation I have fully cooperated with the investigators.

Upon receiving this complaint from the acting CEO I offered mediation, for me to address any of their concerns in a way that does not chew up valuable council resources. This was refused.

When the investigator approached me to start the investigation, I again offered mediation for a second time, this was again refused. I ask myself why? I suspect much more could have been achieved via mediation as opposed to the path it has gone down.

I am still to this day, willing to sit down with any of the complainants over a coffee and listen to their concerns and try to address them. I am willing to do that in good faith and I hope they take me up on that offer.

I want to be honest with the chamber and advise you that Kelledy Jones sent me the full unredacted version of the complaint which listed all the names of the residents who have signed this complaint, I understand this week elected members have also been given a full unredacted version through a section 61 of the Local Government Act request.

While I will not pick apart line by line the errors or my differences of opinion in respect to the findings I would like to point out 1 particular aspect of the report that I feel provides a good argument as to why I have not, in my opinion, breached the code of conduct.

Page 112, point 5:10:5 states:

“In making the above findings, while we understand the Deputy Mayor’s response to the draft report, that he considered it was reasonable and appropriate for me to summarise the key arguments of this project and that a brief radio interview was not the medium for procedural fairness or a full hearing as to the merits of the project and the specifics of the opposing arguments, we are not persuaded by the same”

With all due respect to the investigator, but they may not be up to date with how radio works, you are unable to speak endlessly for as long as you like, that is as we all know, not how it works in reality.

Community engagement results that were presented to council back in December found that residents who were opposed to the park upgrade had listed in total 53 different reasons as to why they were opposed, it is immensely out of touch by the investigator to think that I should have listed off all of their concerns.

The investigator has in dot point 5:10:5 implied that the radio interview was the correct place for a full hearing with procedural fairness, I would argue that the correct place for this would be the council chamber not a radio interview that lasted 2-3 minutes.

My role as principal spokesperson was to explain the result of the meeting and the decision that was made and to provide a brief overview. This was a brief interview not a segment on 60 minutes allowing for in depth analysis of the issue.

Since Mayor Knight has been removed as Councils spokesperson I regularly receive media requests, I took it upon myself to ask for media training when I learned that residents were not happy about this interview to assist.

You will see that there are parts of the report that are redacted, I wish to inform you that it has been presented like that on the wishes of Kelledy Jones and not of myself. I am advised that it is their view that the content is not directly relevant to this report, I disagree.

One part that is redacted is a paragraph which mentions various media enquiries I and council staff have received from the advertiser asking about the COC prior to the report being public some 5 or 6 weeks ago.

Another part lists off my concerns regarding the Mayors handling of this complaint and potential conflict of interest in the matter. I have concerns about this and I am currently considering my options and responsibilities

I still do have those same concerns.

I believe that this complaint is vexatious and I will briefly explain why:

- The media was contacted about this prior to it being public
- Myself and council communication staff received an email asking to confirm if there was one lodged some 5 or 6 weeks ago prior to this being made public
- An additional piece of information was submitted that I received as part of this investigation and I am grateful that it was rejected at the draft investigation stage but I believe it shows the intent of what the complaint was seeking to achieve. It was alleged that on the night of the 23rd March when the Mayor half way discussing the internal review and left the chamber leading to myself taking the chair, it was claimed that I quote “yelled at the chamber” and told the gallery to “shut up”

Now I am lucky that the investigator who is undertaking this investigation was there on the night actually sitting to the left of me and knew that I never did such a thing, I also had the audio from the council meeting to back that up.

However given that this accusation was even made, knowing full well I did not say such a thing in my opinion presents a picture of what was trying to be achieved.

I also note that mediation has been completely refused every time it has been offered.

I am aware that on the same morning of the interview, Cr Rankine undertook a radio interview where he highlighted some of the issues (but not all) and no action was taken against him. Full disclosure: I am not proposing any action to be taken against Cr Rankine, I am simply pointing out the inconsistency.

Members, in closing, I think Kelledy Jones has handled this complaint in a way that sets unreasonable expectations that will never be achieved by members of public office.

To expect me to highlight all 53 of the residents concerns throughout the course of a brief radio interview that lasted 2-3 minutes is simply not possible. If I had gone on and spoken about all the issue in length and detail of this issue I would have been cut off or told to wrap it up. This is an issue that has had 4 internal reviews including going to the ombudsman, an issue where the reports contain hundreds and hundreds of pages of information it is simply not possible to achieve this during a brief radio interview.

We have had our chance to discuss it rigorously on a number of times when the matter has come to council and we have done that, it was unreasonable to expect me to do that for a 2 minute radio interview.

I respectfully request that Council allows me to formally table my written response and resolves to have it included in the Council minutes for tonight's meeting.

Thank you elected members.