

14 Confidential Items

14.1 Code of Conduct Complaint

Recommendation

Pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer be excluded from attendance at the meeting for Agenda Item 14.1 Code of Conduct Complaint

The Council is satisfied that pursuant to section 90 [3] [a] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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 because of information that has been provided previously to the Council under Section 90 of the Local Government Act and retained under Section 91 of the Local Government Act.

Distributed with the agenda is a copy of a Confidential Council Report Code of Conduct Complaint as presented by Cr Neville Pfeiffer [Deputy Mayor] and a copy of the Council Members Conduct Complaint Handling Policy for Elected Members information

Recommendation

That the Confidential Council Report, Code of Conduct Complaint be received and noted

Recommendation

Having considered agenda Item 14.1 in confidence under section 90 [2] and [3] [a] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2019, as to if this order is to continue in operation

14 Confidential Items

14.1 Code of Conduct Complaint

Cr Kevin O'Driscoll moved Cr Stacey Milde seconded that Pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer be excluded from attendance at the meeting for Agenda Item 14.1 Code of Conduct Complaint

The Council is satisfied that pursuant to section 90 [3] [a] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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 because of information that has been provided previously to the Council under Section 90 of the Local Government Act and retained under Section 91 of the Local Government Act at 1.38 pm

Carried 17 / 0218

1.38 pm The Mayor Cr Andrew Grieger vacated the Chair and the Deputy Mayor Cr Neville Pfeiffer assumed the Chair

1.40 pm The Mayor Cr Andrew Grieger left the meeting

Cr Dennis Hyde moved Cr Stacey Milde seconded that the Confidential Council Report, Code of Conduct Complaint be received and noted

Carried 18 / 0218

Cr Kevin O'Driscoll moved Cr Stacey Milde seconded that having considered agenda Item 14.1 in confidence under section 90 [2] and [3] [a] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2019, as to if this order is to continue in operation at 2.25 pm

Carried 19 / 0218

12 Reports

12.6 Chief Executive Officer Report dated March 2018

12.6.2 Proposal to sell 91 Chandos Tce Lameroo

Cr Neville Pfeiffer moved Cr Brian Toogood seconded that the Council authorise the Chief Executive Officer to advertise the property situated at 91 Chandos Terrace Lameroo and invite expressions of interest from interested parties for consideration of the sale of this property.

Carried 20 / 0318

12.6.3 Code of Conduct Complaint

Cr Allan Dunsford moved Cr Brian Toogood seconded that the Council receives and notes the report on the Initial Assessment of the complaint made against the Mayor under the Code of Conduct for Council Members, the related acknowledgement and undertaking from the Mayor and accept this as an adequate investigation and closure of the complaint.

Carried 21 / 0318

12.6.4 Parrakie Community Engagement Progress and Development Committee Membership

12.6.4.1 Robert Sexton Resignation

Cr Neville Pfeiffer moved Cr Allan Dunsford seconded that the Council accept the resignation of Robert Sexton from the Parrakie Community Engagement Progress and Development Committee and that the Chief Executive Officer write a letter of appreciation thanking Robert for his time and contribution to the Committee.

Carried 22 / 0318

6 February 2018

Mayor Andrew Grieger
Southern Mallee District Council

By: Email: andrew.grieger@southernmallee.sa.gov.au

Dear Mayor

CODE OF CONDUCT COMPLAINT

I write to confirm that on Friday 2 February 2018, in my capacity as Chief Executive Officer of the Council, I received a complaint against you under the *Code of Conduct for Council Members* ("the Code").

Specifically, it is been alleged that following a public forum on the evening of Monday 29 January 2018, your behaviors and actions breached the following provisions of the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*

In particular, it has been alleged that when you were speaking with certain members of the public, your language and body language was aggressive and you invaded the personal space of a person you had approached, making that person uncomfortable. Further, it is alleged that you failed to desist with those behaviours when asked to do so.

I confirm this matter is required to be dealt with in accordance with the Council's "*Council Members Conduct Handling Policy*" and so will be referred to the independent Local Government Governance Panel for its review, consideration and report.

The investigation will be dealt with by the LGGP on a confidential basis. Accordingly, you should not disclose any information pertaining to the matter without the consent of the LGGP.

Yours sincerely



Mia Dohnt
Chief Executive Officer



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PO Box 49 Pinnaroo South Australia 5304
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Website: www.southernmallee.sa.gov.au
ABN: 26 208 717 728

Pinnaroo Service Centre
Day Street
Pinnaroo SA 5304

Lameroo Service Centre
Railway Terrace North
Lameroo SA 5302

CONFIDENTIAL

The CEO

Corey Blacksell

Southern Mallee District Council

Pinnaroo SA 5304

Pinnaroo SA 5304

Dear Mia,

It is with great regret I write to you to lodge a complaint about the behaviour of Mayor Grieger after Monday evenings (29 January, 2018) community meeting.

In approaching a member of the public following the meeting I believe the Mayor has breached councils code of conduct. In particular, Part 2 (below)

“General behaviour

2.1 Show commitment and discharge duties conscientiously.

2.2 Act in a way that generates community trust and confidence in the Council.

2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.

2.4 Show respect for others if making comments publicly.

2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council”

Specifically I believe the mayor has breached sections 2.2, 2.3 and 2.4 when he approached a member of the public, whom he did not know, failed to introduce himself and then proceeded to berate them for the manner in which the meeting was conducted.

Mayor Grieger’s language and body language was overtly aggressive and he invaded the personal space of the person he approached. It was obvious the person approached was uncomfortable with a) the tone of the conversation b) the intimidatory body language of Mayor Grieger. When requested to desist with the aggressive behaviour and conversation, and when the Mayor failed to do so, they became visibly frightened, upset and emotional.

Both the victim and a second person requested the Mayor cease his behaviour. At one point the victim reeled backwards, visibly shaken, and clearly emotional, requesting the Mayor cease because he was “angry” and “emotional” and that the victim did not want to talk to him while he was in the mindset. The Mayor proceeded to follow the victim who continued to walk backwards expressing their desire for the Mayor to cease.

These actions were witnessed by at least six members of the community, including a child of the victim, and four members of the organising committee from the evening.

As a witness to the incident I saw the Mayor became so enraged he reached the point of being unable to speak. His arms were raised and wide spread, his head cocked to one side, his body leaning toward the victim and his mouth open and contorted but with out words being spoken. He was within 40-50cm of the victim. It was my opinion this incident had the potential to turn violent.

I would seek Southern Mallee District Council has this matter fully investigated. I will reserve my right to have the Ombudsman investigate this matter.

Yours Sincerely,

Corey Blacksell MAICD MAgribus (Melb)



Form 1—Code of Conduct Complaint

Code of Conduct for Council Members 2013 - Part 2 – Behavioural Code

This is a complaint about the conduct of a council member under the *Code of Conduct for Council Members 2013 Part 2 – Behavioural Code* (**'Code of Conduct'**).

1. Council

1.1 Details of Council and authorized person referring the Complaint:

Title	[] Mr [X] Mrs [] Ms [] Other please specify:		
First name(s)	Mia		
Surname	Dohnt		
Council	Southern Mallee District Council		
Position	Chief Executive Officer		
Postal address	PO Box 49		
Suburb	Pinnaroo		
		Postcode	5304
Phone number	08 8577 8002	Fax number	
Email address	Mia.Dohnt@southernmallee .sa.gov.au		

2. Complainant

2.1 These are the details of the person who has made the complaint.

Title	[X] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)	Corey		
Surname	Blacksell		
Position	N/A		
Council Ward	N/A		
Postal address			
Suburb			
State or territory		Postcode	
Phone number	0427 793 643	Fax number	
Email address	corey.blacksell@bigpond.com		



3. Person(s) subject to the complaint

3.1 These are the details of the person(s) alleged to have breached the *Code of Conduct*. Provide all their details, where possible.

Name of person(s) subject to the complaint	Andrew Grieger		
Position	Mayor		
Council Ward	Bews		
Postal address	2 Lehmans Road		
Suburb	Lameroo		
		Postcode	5302
Phone number	0427 008 341	Fax number	
Email address	Andrew.Grieger@southernmallee.sa.gov.au		

4. Alleged Complaint

- 4.1 Describe the behavior, events or incidents that you think amount to a breach of Part 2 of the Code of Conduct for Elected Members.
- 4.2 Set out in numbered paragraphs a brief summary of what occurred, including specific details of conduct.
- 4.3 You must include a reference to which part(s) of the *Code of Conduct* that you believe has been breached.

For each of the examples you provide in this question, the following should be addressed:

- What happened?
- Who was involved in the example, including any witnesses?
- Was the incident reported?
- How many times has this happened?
- How long ago did the event occur – provide dates (even approximate dates) if possible.
- When was the last time this behaviour happened?
- Do you have any documentation to support the events? If so, please attach the documentation in date order



Complaint has been provided as an attachment to this email

Attach additional pages or supplementary documents if necessary

5. Repeated Part 2 Breaches

- 5.1 The Code states that repeated or sustained breaches of the Behavioural Code may be a breach of Part 3 of the Code that we will not investigate. Has Council considered a referral to the Ombudsman?**



Yes — please provide details

No

6. Dispute Resolution Steps Taken

6.1 Please attach a copy of the relevant Complaints Handling procedure.

6.2 Have any other steps been taken to resolve this complaint? For example, counseling, mediation or conciliation.

Yes — please provide details

No

Complaints handling procedure attached

7. Outcome

7.1 What outcome or action has the Complainant asked for as a result of this complaint?

Nothing requested in his complaint

8. Disclaimer

By completing this form, it is acknowledged that:



- 8.1 Information provided may be disclosed to the other parties to the complaint and to other parties as part of the complaint determination process.
- 8.2 De-identified information may also be used for statistical, research or qualitative purposes or to otherwise improve complaint handling services.

Form completed by:

Name	Mia Dohnt
Date	13/02/2018



Initial Assessment

Investigation

Complainant: Mr C Blacksell
Council members: Mayor Grieger
Council: Southern Mallee District Council
Issues: Alleged breach of Part 2 – Code of Conduct for Elected Council Members
Matter No: 180043
Dated: 19 February 2018

Summary of Complaint

The complainant alleges a breach of the Code of Conduct for Elected Council Members (**the Code**)¹. The allegations are made against Mayor Grieger who has allegedly breached clauses 2.1, 2.2, 2.3, 2.4 & 2.5 of the Code.

My function is to carry out an initial assessment of the allegations on behalf of Council.

Documentation

- Form 1 – Code of Conduct Complaint (**Complaint**)
- Form 2 – Response to a Code of Conduct Complaint (**Response**)
- Letter of Complaint (Mr Blacksell to Council CEO – Ms Dohnt)
- Complaint Handling Policy

Assessment Process

My assessment has involved:

- Assessing the information provided by the complainant;
- Considering all written information provided with the Complaint Referral; and
- Preparing this Initial Assessment.

¹ made pursuant to section 63 of the *Local Government Act 1999*.

Initial Assessment Investigation

Complainant: Mr S Blacksell
Council: Southern Mallee District Council
Reference: 180043

Approach

In preparing this Initial Assessment, I have assessed the Complaint on the papers provided. I have not conducted any interviews. The purpose of the Initial Assessment is to identify whether the Complaint should proceed to full investigation. Evidence and further information will only be sought from relevant parties should the matter proceed to a factual investigation.

Initial Assessment

Overview

- The Complaint alleges certain conduct by Mayor Grieger towards a member of the public following a Pinnaroo community meeting on 29 January 2018 (**the Meeting**).
- Mr Blacksell alleges that Mayor Grieger approached and berated a member of the public, in the course of which he used aggressive language and invaded her personal space before following her as she walked backwards to move away from him.
- Mr Blacksell asserts that such conduct breached the following provisions of the Code:
 - o Clause 2.1 – ‘Show commitment and discharge duties conscientiously;’
 - o Clause 2.2 – ‘Act in a way that generates community trust and confidence in the Council’;
 - o Clause 2.3 – ‘Act in a reasonable, just, respectful and non-discriminatory way when dealing with people’;
 - o Clause 2.4 – ‘Show respect for others if making comments publicly’; and
 - o Clause 2.5 – ‘Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.’
- By his Response, Mayor Grieger:
 - o Provides background information and recounts approaching a member of the public after the Meeting to address publicly-raised issues (**the Interaction**);
 - o Describes his commitment to and engagement with the community, including positive and supportive feedback;
 - o Accepts that he used his hands during the Interaction, but only consistent with his normal style of communication;
 - o Denies having been enraged or done anything that would have caused any apprehension of fear;

**Initial Assessment
Investigation**

Complainant: Mr S Blacksell
Council: Southern Mallee District Council
Reference: 180043

- Denies having intended to invade any person's personal space or that his communication style involves doing so;
- States that none of the numerous close bystanders saw need to intervene or ask to cease his behaviour;
- Denies following the person after they told him they did not want to speak to him;
- Describes having offered an apology to the person for any discomfort they felt;
- Refers to having dealt respectfully with Mr Blacksell previously;
- Expressed dissatisfaction with the conduct of the Meeting by its facilitator; and
- Denied any breach(s) of the Code.

The following initial assessment is made:

1. The Complaint solely concerns the Interaction. Information in the Response concerning other matters may give context but does not inform the Panel's assessment.
2. The parties agree that the Interaction occurred. The parties disagree as to the nature of Mayor Grieger's conduct in that Interaction. It is not possible (nor the Panel's job at this time) to resolve that factual dispute.
3. The Panel notes that Mayor Grieger:
 - Accepts having used hand gestures at least twice (consistent with his communication style and to indicate acceptance);
 - Does not directly deny coming within the person's personal space, stating instead that it was not his intention and not consistent with his communication style more broadly to have done so; and
 - Reports having offered an apology after or at the end of the Interaction.
4. If a factual investigation concluded on the balance of probabilities that Mayor Grieger acted as alleged in the Complaint, the Panel anticipates that the alleged breaches of Clause 2.2 and 2.3 of the Code would be substantiated. The behaviour alleged would, if proved:
 - be inconsistent with Mayor Grieger's obligation under Clause 2.2 of the Code to act so as to generate community trust and confidence in the Council; and
 - be inconsistent with Mayor Grieger's obligation under Clause 2.3 of the Code to act in a reasonable, just, respectful and non-discriminatory way when dealing with people;
5. In relation to the balance of the alleged breaches:

**Initial Assessment
Investigation**

Complainant: Mr S Blacksell
Council: Southern Mallee District Council
Reference: 180043

- o there is no evidence that Mayor Grieger failed to show commitment or discharge his duties conscientiously as required by Clause 2.1 of the Code; and
- o the Panel cannot determine on the information currently available whether there is a prima facie case for Mayor Grieger to answer in relation to the alleged breaches of Clauses 2.4 and 2.5 of the Code. Those matters could only be considered once a factual investigation had determined the most probable account of the Interaction.

6. It is therefore the Panel's initial assessment that:

- o There is a prima facie case for Mayor Grieger to answer in respect of the alleged breaches of Clauses 2.2, 2.3 of the Code;
- o There is no prima facie breach Clause 2.1 of the Code; and
- o No initial determination as to prima facie case is possible in relation to the alleged breaches of Clauses 2.4 or 2.5 of the Code given the unresolved factual dispute.

Recommendation

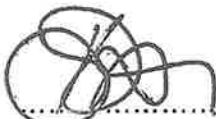
We recommend that:

- a. A copy of this Initial Assessment report be provided to Mr Blacksell and Mayor Grieger.
- b. That Mayor Grieger be invited to indicate within seven days whether he accepts that his actions breached Clauses 2.2, 2.3 of the Code in light of:
 - i. The matters he accepts as a matter of fact; and
 - ii. The possible effect or perception of his actions regardless of his intention.
- c. That if Mayor Grieger accepts the substance of the findings in relation to Clause 2.2, 2.3 and 2.4 indicated above, he be invited to:
 - i. Acknowledge in writing that his actions may have been perceived and received differently to any intention he held leading up to and during the Interaction;
 - ii. Make a direct and personal apology to the person involved in the Interaction, confirming that acknowledgment and expressing regret should any of his actions have caused her any offence, distress or fear;
 - iii. Acknowledge his conduct and report on the apology in a communication tabled at the next scheduled meeting of Council, with such communication to contain an undertaking to adhere to Code requirements at all times in the future.
- d. If Mayor Grieger takes up the invitation and takes the steps described above, that no further action be taken in relation to this Complaint.

**Initial Assessment
Investigation**

Complainant: Mr S Blacksell
Council: Southern Mallee District Council
Reference: 180043

- e. If Mayor Grieger does not take up that invitation and/or does not perform either of the two recommended steps, we recommend that the Complaint be subject to further investigation to identify whether there has been a breach of the Code which will produce a Preliminary Report, and in due course, a Final Report for Council's consideration.



.....
Kaye Smith
Panel Manager – Governance Panel

Dated: 19 February 2018

6 February 2018

Mr Corey Blacksell
PINNAROO SA 5304

By: Email: corey.blacksell@bigpond.com

Dear Mr Blacksell

CODE OF CONDUCT COMPLAINT

I write to formally confirm that on Friday 2 February 2018, in my capacity as the Chief Executive Officer of the Southern Mallee District Council ("the Council"), I received your complaint against Mayor Grieger ("the Mayor"), under the *Code of Conduct for Council Members* ("the Code").

Specifically, you have alleged that, following a public forum on the evening of Monday 29 January 2018, the Mayor's behaviors and actions breached the following provisions of the Code:

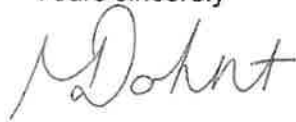
- 2.2 *Act in a way that generates community trust and confidence in the Council.*
- 2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.*
- 2.4 *Show respect for others if making comments publicly.*

In particular, you have alleged that when the Mayor was speaking with members of the public, his language and body language at the time was aggressive and he invaded the personal space of a person he approached, making that person uncomfortable. Further, you allege that the Mayor failed to desist with these behaviours when asked to do so.

I confirm this matter will now be dealt with in accordance with the Council's "*Council Members Conduct Handling Policy*" by being referred to the independent Local Government Governance Panel ("LGGP") for review, consideration and report.

The investigation by the LGGP will occur on a confidential basis. Accordingly, you should not disclose any information pertaining to the same without the consent of the LGGP.

Yours sincerely



Mia Dohnt
Chief Executive Officer



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Lameroo Service Centre
Railway Terrace North
Lameroo SA 5302



Form 2— Response to a Code of Conduct Complaint

Code of Conduct for Council Members 2013 - Part 2 – Behavioural Code

This is a response by a Council Member in relation to a complaint about their conduct under the *Code of Conduct for Council Members 2013* Part 2 – Behavioural Code ('*Code of Conduct*').

1. Complainant

1.1 These are the details of the person who is making the complaint. This information can be found in the Code of Conduct Complaint Form 1.

First name(s)	Corey
Surname	Blacksell
Position	
Council Ward	
Date of Complaint	unknown

2. Person subject to the complaint

2.1 These are the details of the Council Member (you) who is the subject of the complaint.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	ANDREW JOHN		
Surname	GRIEGER		
Position	MAYOR		
Council Ward	BEWS		
Postal address	2 LEHMANN'S ROAD		
Suburb	LAMEROO		
	SA	Postcode	5302
Phone number	0427008341	Fax number	
Email address	Andrew.Grieger@southernmallee.sa.gov.au		

3. Response to Complaint

3.1 What is your understanding of the complaint made against you?

It is my understanding that the allegation made against me is that I have breached codes 2.2, 2.3 and 2.4 of the *Code of Conduct for Council Members*. The complainant alleged that I behaved in a way that was disrespectful, intimidating and aggressive towards a member of the public after a community meeting on 29 January 2018 partly organised by Corey Blacksell and attended by several hundred members of the Pinnaroo community invited to voice any perceived concerns regarding issues in their local community. I believe this to be an unreasonable complaint lacking substance.

3.2 What is your response the complaint that you breached the Behavioural Code in Part 2 of the *Code of Conduct*.

3.2.1 You should state whether you believe your conduct has breached the Behavioural Code and respond to each of the examples of breach alleged in the Complaint.

2.1 General behaviour “show commitment and discharge duties conscientiously”

The Pinnaroo community arranged a public meeting to express their dissatisfaction with Council. All Councillors and the CEO were invited to attend. It was not mandatory however myself and all other Councillors attended which demonstrates my commitment to discharging my duties as a Councillor.

To ascertain and understand some of the alleged needs of the Pinnaroo Community in weeks leading up to the meeting we arranged several meetings with key members of the community, including the Principal of the Pinnaroo School, COG’s (Child care on the Go) Staff, and a Health Practitioner. There was no opportunity for dialogue between myself and the facilitator in days prior to the meeting; the facilitators details were maintained in secrecy. It would be my reasonable expectation that a facilitator who’s public profile claims skills in community/group participation, change and conflict and team building and conflict management would value and manage an opportunity for communication exchange. When the meeting ended, in the interests of fairness and with the meeting finishing early, I would reasonably expect the facilitator to have offered an opportunity for councillors to speak and address the complaints and issues expressed in the meeting. Community members from Pinnaroo, Lameroo and Parilla have commended the professionalism of myself, other councillors and the CEO on the night of the meeting in a very challenging situation.

There was no opportunity for dialogue between myself and the public during the meeting, and as a part of my commitment to conscientiously carry out my duties, I approached a member of the public in a small group situation to clarify and explain issues around concerns made publicly made by this person. I deny I breached this behavioural code.

2.2 General behaviour: “Act in a way that generates community trust and Confidence in the council”

I deny I breached this behavioural code. I always make myself available for the community if they have any concerns and instill trust and confidence in them when I am approached. Living and owning a small business in the Lameroo township I am central to all communities of the SMDC and approached many times a week to discuss and clarify SMDC issues. Following the meeting I was supported by community members from Pinnaroo, Lameroo and other SMDC towns who encouraged me with words such as “stick with it, you are doing a great job,” and ‘We feel well supported by you as Mayor “

I also received comments from members of Pinnaroo, Lameroo, Parilla and Murrayville communities stating “I felt so sorry for you having to go through that”. I was also advised that the general feelings of the community were not necessarily endorsed by the meeting that night.

As part of my position and to potentially resolve issues I felt it important to make some notations of the issues of concern raised by the Pinnaroo community.

(Please see “combination” comments)

2.3 Act in a just, respectful and non-discriminatory way when dealing with people.

I admit during the conversation in question, I may have used my hands to make illustrations, this being part of my usual style of communication. However, my hands would not have been raised in a way to create apprehension or fear. Furthermore, in no time did I have the intention to invade any personal space to the members of the public. No-one else advised me that they were uncomfortable or requested me to desist from what I was doing. It is my opinion the words said were reasonable, just, respectful and non-discriminatory. At no time did any of the meeting organisers appear to be upset by my conversation.

I deny following the member of the public who had verbalised their not wishing to converse with me. I recall holding my hands up in an acceptance gesture.

I am aware that communication may involve giving more information, providing an explanation, suggesting a solution, expressing empathy and understanding where there is no solution, and giving an apology, regardless of rights and wrongs, to acknowledge that the complainant feels aggrieved, without passing judgement. (SMDC resource)

After talking with the person in question husband for about five minutes, in which he never mentioned that he thought his wife had been offended in any way and they were standing just a few feet apart for all of our conversation. After this conversation, from a distance of roughly 10-12 feet, I apologized to the person in question for the feeling of discomfort they had expressed; their response was a nodding and a verbalizing of “OK”.

2.4 Show respect for others if making comment publicly

I deny my language or body language was aggressive in any of my conversations after the meeting, my conversation was witnessed by other members of the public and two Councilors. I am willing to provide written statements to prove that I have not conducted myself in-appropriately or with disrespect.

I respected the rules of the meeting; at no time did I speak, despite two Members of Parliament choosing to do so and this being allowed by the facilitator.



I showed respect to Corey Blacksell previously when he attended a public council meeting in January; and allowed him the right of speaking despite him disregarding protocol and arriving 30 minutes after the point of the meeting for public question time .

The facilitator's management of the forum was quite different to the intent conveyed to the councillors in a letter which in no way indicated Councillors were not allowed opportunity to speak. Prior to the meeting I invested time researching perceived matters of concern to the Pinnaroo community, and met with various community leaders including a previous councilor, School Principal, and a prominent Health Professional
Please see letter from the complainant Corey Blacksell below

January 15th 2018

Dear Mayor Andrew Grieger

RE: Public Meeting

We are writing to respectfully advise you of the upcoming Pinnaroo public meeting to discuss community matters, including Local Government issues.

As one of our elected community leaders we invite you to attend. We have reserved a seat for you. Your attendance would be greatly appreciated.

Venue: Over 50s Club

Monday 29th of January 2018

7.00pm

RSVP: by 22/01/2018

Mobile: 0427 793 643

Email: corey.blacksell@bigpond.com

Kind regards

Corey Blacksell

On behalf of Pinnaroo community members

It would be my reasonable expectation that a facilitator owning her own conflict management business would be acutely aware effective communication is a two way process, thus enabling the giving and receiving/exchange of information, to achieve best outcomes.

Despite the facilitator having been described as an independent facilitator, I have since been informed she was in fact a former colleague of one of the organisers. No conflict of interest was declared. I believe the facilitators mis-management of the meeting and a lack of usual accepted meeting process hindered many benefits and achievements and partnerships which may have been achieved at a meeting such as this. At the end of the complaints and concerns part of the meeting a Pinnaroo community member asked if solutions were to be discussed and this person was advised by the facilitator that this was not within the scope of the meeting, contrary to information the Pinnaroo community had been given by the complainant on an ABC radio interview.

In respect of the facilitators request I did not speak during the meeting as she had made it very clear only community members were allowed to. As well as Mayor I am actually a community member and rely on services offered in the Pinnaroo community, this now includes the ANZ bank for my business and personal banking following the closing of the Lameroo branch. As the facilitator had made it clear the 2 hour meeting was only for community members to speak, not for councilors, the SMDC CEO or Members of Parliament I was surprised when the MPs were given access to the microphone. Out of



respect to the wishes and request of the community I chose not to follow their lead. Community members from several towns in the SMDC including Pinnaroo have commended me on my professionalism and in their words have said "I felt sorry for you, that wasn't fair."

2.5 Ensure personal comments to the media or other public comments, on council decisions and other matters clearly indicate that this is private view, and not that of council.

I am ever mindful of this, and of confidentiality to the SMDC and believe my conduct has not breached this code.

I sometimes decline to make personal comments to the media, as my comments have been misrepresented and taken out of context in the past with negative consequences.

Combination of 2.1,2.2, 2.3,2.4 and 2.5

The CEO, Mayor and Councillors were invited by letter to attend this meeting which did not include any notation that Council was not given a right of reply or were observers to the meeting. Through the Pinnaroo Community Notice Board Face book page, the CEO became aware that Council were only observers to the meeting and made the assumption that no dialogue was permitted between community members and Council in the 2 hour meeting. This was clarified by the facilitator prior to the commencement of the meeting. The meetings conduct appeared erratic and unconventional, some community members were given access to a microphone several times, while an individual who spoke in support of council briefly on one occasion was denied access on 3 other occasions. The facilitator for the meeting described as an "Independent Facilitator" had previous connections to at least one member of the Pinnaroo community. The tone of the meeting is indicated in comments prior to the meeting in the Pinnaroo Community Notice Board Face book page.

I intentionally arrived early to the meeting and met with the Facilitator to seek clarification. After being informed that Council had no right of reply I respectfully requested that she make an announcement that would let the community know that following the meeting that I would be available for discussion to members of the public. I believe my role as Mayor in showing commitment and discharging duties conscientiously included clarifying issues and potentially progressing to possible solutions. Following the meeting I approached the member of the public to clarify and explain concerns verbalised by this person in the meeting. This individual had identified themselves to the meeting prior to publicly speaking, and knew who I was. I deny any berating to the individual. Two Councillors were present during the discussion; many other members of the public including two Members of Parliament were near-by. No bystanders verbalised or attempted to stop the conversation or indicated any part of our conversation was inappropriate.

I recall no second person requesting me to cease my behavior; in fact the spouse of the member of the public and myself walked together to find a quiet area to converse and engaged in positive discussion for several minutes following this. Many other members of the public including two Members of Parliament were in the vicinity, When the member of the public verbalised not wanting to converse with me I recall holding my hands up in an acceptance gesture. I deny following the member of the public. Later I apologised to this



person if a feeling of discomfort had been experienced; and the response of this member of the public was actually a positive acknowledgement with nodding and a verbalising of "OK".

My communicating style when passionate regarding an issue may involve some gesticulating. My communicating does not involve invading personal space. I certainly did not feel enraged.

I deny my language or body language was aggressive in any of my conversations after the meeting, my conversation was witnessed by members of the public and the Councillors. I am willing to provide written statements to prove that I have not conducted myself inappropriately or with disrespect.

In summary, I do not believe I have breached any behavioural codes as alleged by the complainant. I have carried out my duty conscientiously, to the best of my ability at the community meeting on 29 January 2018 and thereafter. It is my opinion that the complaint made against me is vexatious and frivolous, and therefore should not be investigated further.

Attach additional pages or supplementary documents if necessary
Attach relevant documents

4. Disclaimer

By completing this form, it is acknowledged that:

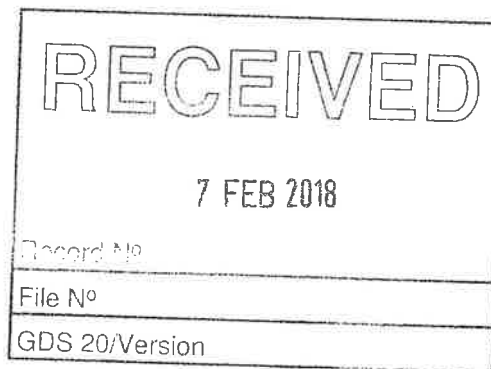
- 4.1 Information provided may be disclosed to the other parties to the complaint and to other parties as parties as part of the complaint determination process.
- 4.2 Non-identifying information may also be used for statistical, research or qualitative purposes or to otherwise improve complaint handling procedures.

Form completed by:

Name ANDREW GRIEGER

Date 12/02/18

The Mayor
Southern Mallee Council
Andrew Grieger,
Wednesday 31st Jan 2017



Dear Andrew,

I feel compelled to write to you of my concern about your behaviour at the Public Forum in Pinnaroo on Monday evening.

My clear understanding from the organisers of the meeting was that the Council elected members and/or staff were invited to attend as observers only.

This was a meeting organised by the community to enable people to voice their concerns about their perceptions of Council inactivity related to the town of Pinnaroo.

At no stage was there any communication from you or other elected members with the organisers prior to the meeting, where clarification was sought about the issue of you only being observers.

As the facilitator, I was pleased with this arrangement.

I would not have agreed to facilitate a forum where members of the public could ask and expect answers from Council staff or elected members where the emotion was so volatile.

This type of gathering has a significant potential to degenerate into a complete fiasco with accusations and emotional responses.

Your behaviour on the night has only confirmed that concern.

My clear understanding of the forum was that it was held to enable the community to have their say and then form a group from within the community to begin the work on dealing with the issues with Council, in a responsible manner.

Consequently, I upheld the wish of the community for you not to have the opportunity to speak.

I was therefore very concerned when the following occurred:

1. You came and spoke to me without the courtesy of introducing yourself.
2. You were aggressive and intimidating in your approach to the situation.
3. Your request to sit at the front of the hall facing the community was in itself intimidating, and this was compounded by the fact that you took note of the names of those people who were voicing their opinions. One wonders why that was necessary? It was fortunate that this did not appear to inhibit people from speaking.
4. Your body language and that of other members at the front was aggressive.
5. You approached me after the meeting in an aggressive and intimidating manner expressing your "disgust" (an interesting word to use), because I allowed the MP's to speak. That was my call entirely.

6. You approached and spoke to at least one member of the organising group after the meeting in an intimidating and threatening manner when she was alone.
7. That a couple of other elected members were heard to state the Community has "got it all wrong"

If this is the style of management of the Council that the community is dealing with, then I am not at all surprised that there is such concern.

Your behaviour on the night has had the effect of increasing the outrage of the Pinnaroo community.

The Southern Mallee Council now has a significant issue on its hands.

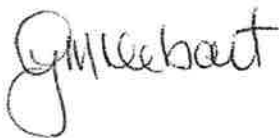
With an attendance of more than 275 people and many other apologies, you and the Council have a problem that you must face and deal with in a responsible manner.

In the management of community outrage, the very first response should be of an apology to the community that this situation has occurred under your watch and that you will now work with them to resolve the problems.

I was pleased that the no confidence motion was lost, as I believe that the community is willing to work with the Council and try and resolve these issues.

However, I would not be surprised should there be an official complaint about your behaviour to the Local Government Governance Panel from members of the community and I would certainly support any such action.

Yours Sincerely



Genevieve Hebart

PO Box 39

Mt Pleasant 5235

0458884439

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

*Published by the Minister for Planning for the purposes of Section 63 (1) of the
Local Government Act 1999.*

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

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.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
 - 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
 - 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.



Form 2— Response to a Code of Conduct Complaint

Code of Conduct for Council Members 2013 - Part 2 – Behavioural Code

This is a response by a Council Member in relation to a complaint about their conduct under the *Code of Conduct for Council Members 2013* Part 2 – Behavioural Code ('Code of Conduct').

1. Complainant

1.1 These are the details of the person who is making the complaint. This information can be found in the Code of Conduct Complaint Form 1.

First name(s)	Corey
Surname	Blacksell
Position	
Council Ward	
Date of Complaint	unknown

2. Person subject to the complaint

2.1 These are the details of the Council Member (you) who is the subject of the complaint.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	ANDREW JOHN		
Surname	GRIEGER		
Position	MAYOR		
Council Ward	BEWS		
Postal address	2 LEHMANN'S ROAD		
Suburb	LAMEROO		
	SA	Postcode	5302
Phone number	0427008341	Fax number	
Email address	Andrew.Grieger@southernmallee.sa.gov.au		

3. Response to Complaint

3.1 What is your understanding of the complaint made against you?

It is my understanding that the allegation made against me is that I have breached codes 2.2, 2.3 and 2.4 of the *Code of Conduct for Council Members*. The complainant alleged that I behaved in a way that was disrespectful, intimidating and aggressive towards a member of the public after a community meeting on 29 January 2018 partly organised by Corey Blacksell and attended by several hundred members of the Pinnaroo community invited to voice any perceived concerns regarding issues in their local community. I believe this to be an unreasonable complaint lacking substance.

3.2 What is your response the complaint that you breached the Behavioural Code in Part 2 of the *Code of Conduct*.

3.2.1 You should state whether you believe your conduct has breached the Behavioural Code and respond to each of the examples of breach alleged in the Complaint.

2.1 General behaviour “show commitment and discharge duties conscientiously”

The Pinnaroo community arranged a public meeting to express their dissatisfaction with Council. All Councillors and the CEO were invited to attend. It was not mandatory however myself and all other Councillors attended which demonstrates my commitment to discharging my duties as a Councillor.

To ascertain and understand some of the alleged needs of the Pinnaroo Community in weeks leading up to the meeting I had arranged several meetings with key members of the community, including the Principal of the Pinnaroo School, COG’s (Child care on the Go) Staff, and a Health Practitioner

As there was no opportunity for dialogue between myself and the public during the meeting, and as a part of my commitment to conscientiously carry out my duties, I approached a member of the public in a small group situation to clarify and explain issues around concerns made publicly made by this person. I deny I breached this behavioural code.

2.2 General behaviour: “Act in a way that generates community trust and Confidence in the council”

I deny I breached this behavioural code. I always make myself available for the community if they have any concerns and instill trust and confidence in them when I am approached. (Please see “combination” comments)

2.3 Act in a just, respectful and non-discriminatory way when dealing with people.

I admit during the conversation I may have used my hands to make illustrations to my audience, this being part of my usual style of communication. However, my hands would not have been raised in a way to create apprehension or fear. Furthermore, in no time did I have the intention to invade any personal space to the members of the public. No-one else advised me that they were uncomfortable or requested me to desist from what I was

doing. It is my opinion the words said were reasonable, just, respectful and non-discriminatory. At no time did any of the meeting organisers appear to be upset by my conversation.

I deny following the member of the public who had verbalised their not wishing to converse with me. I recall holding my hands up in an acceptance gesture.

I later approached this person and apologised for the feeling of discomfort they had expressed; the response was a nodding and a verbalising of "OK".

2.4 Show respect for others if making comment publicly

I deny my language or body language was aggressive in any of my conversations after the meeting, my conversation was witnessed by other members of the public and two Councillors. I am willing to provide written statements to prove that I have not conducted myself inappropriately or with disrespect.

I respected the rules of the meeting; at no time did I speak, despite two Members of Parliament choosing to do so and this being allowed by the facilitator.

I showed respect to Corey Blacksell previously when he attended a public council meeting in January; and allowed him the right of speaking despite him disregarding protocol and arriving 30 minutes after the meeting time given to him point of the meeting for public question time.

2.5 Ensure personal comments to the media or other public comments, on council decisions and other matters clearly indicate that this is private view, and not that of council.

I am ever mindful of this, and of confidentiality to the SMDC and believe my conduct has not breached this code.

I sometimes decline to make personal comments to the media, as my comments have been misrepresented and taken out of context in the past with negative consequences.

Combination of 2.1,2.2, 2.3,2.4 and 2.5

The CEO, Mayor and Councillors were invited by letter to attend this meeting which did not include any notation that Council was not given a right of reply or were observers to the meeting. Through the Pinnaroo Community Notice Board Face book page, the CEO became aware that Council were only observers to the meeting and made the assumption that no dialogue was permitted between community members and Councillors in the 2 hour meeting. This was clarified by the facilitator prior to the commencement of the meeting.

The meetings conduct appeared erratic and unconventional, some community members were given access to a microphone several times, while an individual who spoke in support of council briefly on one occasion was denied access on 3 other occasions. The facilitator for the meeting described as an "Independent Facilitator" had previous connections to at least one member of the Pinnaroo community. The tone of the meeting is indicated in comments prior to the meeting in the Pinnaroo Community Notice Board Face book page.

I intentionally arrived early to the meeting and met with the Facilitator to seek clarification. After being informed that Council had no right of reply I respectfully requested that she ~~requested that she~~ to make an announcement that would let the

community know that, following the meeting, that I would be available for discussion to members of the public. I believe my role as Mayor in showing commitment and discharging duties conscientiously included clarifying issues and potentially progressing to possible solutions. Following the meeting I approached the member of the public to clarify and explain concerns verbalised by this person in the meeting. This individual had identified themselves to the meeting prior to publicly speaking, and knew who I was. I deny any berating to the individual. Two Councillors² were present during the discussion; many other members of the public including two Members of Parliament were near-by. No ~~one~~ bystanders verbalised or attempted to stop the conversation or indicated any part of our conversation was inappropriate.

I recall no second person requesting me to cease my behavior; in fact the spouse of the member of the public and myself walked together to find a quiet area to converse and engaged in positive discussion for several minutes following this. Many other members of the public including two Members of Parliament were in the vicinity, When the member of the public verbalised not wanting to converse with me I recall holding my hands up in an acceptance gesture. I deny following the member of the public. Later I apologised to this person if a feeling of discomfort had been experienced; and the response of this member of the public was actually a positive acknowledgement with nodding and a verbalising of "OK".

My communicating style when passionate regarding an issue may involve some gesticulating. My communicating does not involve invading personal space. I certainly did not feel enraged.

I deny my language or body language was aggressive in any of my conversations after the meeting, my conversation was witnessed by members of the public and the Councillors. I am willing to provide written statements to prove that I have not conducted myself inappropriately or with disrespect.

In summary, I do not believe I have breached any behavioural codes as alleged by the complainant¹. I have carried out my duty conscientiously, to the best of my ability at the community meeting on 29 January 2018 and thereafter. It is my opinion that the complaint made against me is vexatious and frivolous, and therefore should not be investigated further.

Attach additional pages or supplementary documents if necessary
Attach relevant documents

4. Disclaimer

By completing this form, it is acknowledged that:

- 4.1 Information provided may be disclosed to the other parties to the complaint and to other parties as parties as part of the complaint determination process.
- 4.2 Non-identifying information may also be used for statistical, research or qualitative purposes or to otherwise improve complaint handling procedures.



Form completed by:

Name	ANDREW GRIEGER
Date	12/02/18