

## IN-CONFIDENCE REPORT - 16 JANUARY 2013 COUNCIL MEETING

<b>Item No</b>	<b>21.1</b>
<b>Report Title</b>	<b>Ombudsman SA - Own Initiative Investigation</b>
<b>Council Meeting Date</b>	16 January 2013
<b>Author</b>	Andrew C Boardman
<b>Title</b>	Chief Executive Officer
<b>Attachments</b>	Ombudsman's Final Report
<b>File Ref - Records</b>	L2013/55 - 9.4.16
<b>Hours to compile</b>	0.5
<b>Strategic Plan Reference</b>	1.3 To provide good governance that is transparent, equitable and accountable
<b>Purpose</b>	The purpose of this report is to inform Council of the Final Report of the Ombudsman's investigation, reference 2012/06301, in relation to meetings with Chinese developers and State Opposition members airing of misinformation.
<b>Executive Summary</b>	The SA State Ombudsman has prepared his final views on this investigation.
<b>Recommendation</b>	That the Ombudsman's report is received for information and that the report findings are accepted in full.

### **Discussion**

The Ombudsman has prepared his Final Report of the investigation as requested by Council following the resolution passed at the Special Council Meeting held on 25 July 2012, being:

#### *3.3.1*

*Moved Cr Clements*

*Seconded Cr Denholm*

*That the Ombudsman be requested to investigate further breaches of confidence within Council with respect to Council's meetings with Chinese developers and in particular State Opposition members airing of misinformation, its utilisation of this information for political purposes and its apparent intent to bring disrepute on Councillors and their community of Kangaroo Island.*

*Moved Cr Boxall*

*Seconded Cr Walkom*

*That the motion lay on the table.*

*LOST. 2 For 4 Against*

*The motion was put.*

*CARRIED. 4 For 2 Against*

Comments were invited on the Ombudsman's provisional views by 14 December 2012 and NO Elected Members commented.

**Governance Considerations**

*(relates to consistent management, cohesive policies, guidance, processes and decision-rights for a given area of responsibility)*

Good governance requires Elected Members to take note of their duties as Holders of Public Office and their obligations under the Local Government Act and Council's Elected Member Code of Conduct.

**Risk Management Considerations**

*(identification, assessment, and prioritization of risks (defined as the effect of uncertainty on objectives, whether positive or negative) followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events or to maximize the realization of opportunities)*

The adherence to the roles and responsibilities of Elected Members ensures that Elected Members are not inadvertently breaching their legislative obligations.

**Economic Considerations**

*(Assessment of likely financial implications of pursuing a course of action)*

Nil at this time.

**Social Considerations**

*(Assessment of likely impacts with the Community)*

The evidence of conduct unbecoming Holders of Public Office causes a lack of confidence in Council by members of the Community.

**Environmental Considerations**

*(Assessment of likely impacts on the environment)*

Nil at this time.

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