

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

21 June 2016

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| Agenda Item 10 | Tabled Documents – Councillor Conduct Panel | |
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| Attachment 2 | Tabled apology from Cr Patterson to Council and Mr Gavin Cator..... | 535 |

COUNCILLOR CONDUCT PANEL (CCP)**HEARING PURUANT TO DIVISON 1B OF THE LOCAL GOVERNMENT ACT (1989) (AS AMENDED)**

Applicant: City of Greater Shepparton (Councillor Dinny Adem as Representative)
Respondent: Councillor Dennis Patterson
Council: City of Greater Shepparton
Hearing location: City of Greater Shepparton
Date of Application: 5 February 2016 (as amended on 2 March 2016)
Date of Hearing: 22 April 2016
Panel Members: Ms Jo-Anne Mazzeo (Chair), Mr Noel Harvey
CCP Registrar: Ms Sharlene Still, City of Greater Shepparton

The Decision

The Panel has determined that the actions of Councillor Dennis Patterson constitute misconduct within the meaning of section 81A of the *Local Government Act 1989*, and makes a finding of such pursuant to section 81(J)(1)(a) of the *Local Government Act 1989*.

The Panel therefore reprimands Cr Patterson pursuant to s81J(2)(a) of the Act and directs him to provide a written apology both to Council and to Mr Cator for his actions pursuant to section 81J(2)(b) of the Act, which he must table at the next ordinary meeting of Council. The apology must acknowledge the impact of his behaviour on the perception the community has had on Council, and also by extension the perception of Mr Cator in his role of Chief Executive Officer at the time.

Pursuant to s81J(1)(d) of the Act, and as a result of evidence given at hearing in the context of the Panel's examination of the Code of Conduct, the Panel Directs the Council review their Code of Conduct with a view to simplification and greater clarity in its application. The Code of Conduct should place greater emphasis on appropriate access and interaction between councillors and council staff, with clearer guidance as to acceptable interaction.



Jo-Anne Mazzeo
Legal Member



Noel Harvey
Municipal Governance Member

Date: 23 May 2016

Following the appointment of a Councillor Conduct Panel it was determined that pursuant to section 81(j)(i)(a) of the Local Government Act 1989 I acted in a manner that constituted misconduct under the meaning of the act for which I have been formally reprimanded.

The panel also directed that I table at this meeting, a formal apology, both to Council and former CEO Gavin Cator and acknowledge the impact of that behavior on the perception the community has had of Council and Mr Cator in his role as Chief Executive Officer at the time.

I formally acknowledge that while I believe I was acting in the best interests of ratepayers there was as a result a risk to how both Council and Mr Cator would be perceived. Although there was no evidence of any actual impact on public perception or confidence I acknowledge the risk was there and for that I apologise.

I welcome the Panel's determination as a result of evidence given during the hearing that Council review its Code of Conduct with a view to simplification and great clarity in its application. The Council has been directed to place greater emphasis on appropriate access and interaction between councillors and council staff and clearer guidance as to acceptable interaction which I hope will make it less likely that inadvertent transgressions occur in future, therefore saving ratepayers the burden of expensive investigations and hearings.