

Behavioural Standards Panel



Final Report

Council Member	Cr Adam Meyer
Council	Yorke Peninsula Council
Referral by	Mayor Darren Braund
Panel Reference	23BSP-0009
Date Received	28 September 2023
Issues	Alleged serious misbehaviour by a member of a council

January 2025

Behavioural Standards Panel

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Final Report

This report has been prepared on an inquiry undertaken by the Behavioural Standards Panel (**the Panel**) following multiple referrals made by the principal member of the Yorke Peninsula Council (**the Council**) in 2023–24 in relation to complaints alleging serious misbehaviour by Councillor Adam Meyer (**Cr Meyer**). Cr Meyer was re-elected as a member of the Council at the November 2022 local government periodic elections and was an elected member in the two previous terms of the Council. Cr Meyer was elected from the Council's Innes Pentonvale Ward.

Legislative Framework

Section 262Q of the *Local Government Act 1999* (the Act) provides that a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be referred to the Panel by a resolution of the council; the principal member of the council; at least 3 members of the council; or a responsible person in accordance with section 75G(5) of the Act.

Section 262E of the Act provides that **serious misbehaviour** means a failure by a member of a council to comply with section 75G.

Section 75G(1) of the Act provides that a council member must—

- (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and
- (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.

Section 75G of the Act is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*: section 75G(6) of the Act.

Under section 75G(7) of the Act—

health has the same meaning as in the *Work Health and Safety Act 2012*.

Section 4(1) of the *Work Health and Safety Act 2012* defines “health” as—

health means physical and psychological health.

Under section 262T(1) of the Act, the Panel may inquire into a complaint referred to the Panel in such a manner as the Panel considers appropriate.

Section 262U(4) of the Act also provides that, in exercising or performing a power or function in relation to inquiring into a complaint, the Panel—

- (a) must proceed with as little formality and technicality and with as much expedition as the requirements of the Act or any other Act and a proper consideration of the matter permit; and
- (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate.

The inquiry must be conducted in accordance with the principles of procedural fairness: section 262T(2) of the Act.

Complaints

1. On 28 September 2023, the Panel received a complaint from Mayor Darren Braund, the principal member of the Council, alleging serious misbehaviour by Cr Meyer for failure to comply with sections 75G(1)(a) and (b) of the Act, on multiple occasions during the current term of council.
2. Following the referral of the initial complaint, the Panel received further complaint referrals from Mayor Braund on 21 December 2023, 23 January 2024 and 8 February 2023 alleging further serious misbehaviour by Cr Meyer for failure to comply with sections 75G(1)(a) and (b) of the Act.
3. All of the complaints related to Cr Meyer's engagement with a Senior Council Officer.
4. The Panel noted that at all times of the alleged serious misbehaviour, Cr Meyer was an elected member of the Council.
5. Under section 262S of the Act, the Panel assessed the complaint referrals received on 28 September 2023, 21 December 2023, 23 January 2024 and 8 February 2023, and determined to deal with them
6. Following its assessment of the Complaint, the Panel determined to deal with the complaint referrals as one complaint (the Complaint), and further determined that the Complaint consisted of six allegations.
7. The Panel determined to conduct an inquiry based on written submissions, in accordance with section 262T of the Act, on the six allegations.

Inquiry

8. The Panel—
 - Assessed the Complaint lodged against Cr Meyer.
 - Considered the Complaint in the context of the Act, the Panel's Practice Directions, and guidance material.
 - Assessed further information provided by the Council, and as sought by the Panel.
 - Prepared and provided a letter to Cr Meyer that detailed the six allegations.
 - Provided Cr Meyer with the opportunity to respond to the allegations through written submissions and considered his responses.
 - Met to discuss determinations relating to the Complaint.
 - Prepared letters of provisional findings and orders provided to both Cr Meyer and Mayor Braund.
 - Provided Cr Meyer and Mayor Braund with the opportunity to respond to the provisional findings and orders and considered their responses.
 - Prepared this final report and considered submissions on its publication.

Standard of Proof

9. The standard of proof applied by the Panel in this inquiry and investigation process is on the balance of probabilities.

Procedural Fairness

10. Correspondence timeline—

Outgoing from Panel to Cr Meyer	16 February 2024	Letter of allegations to Cr Meyer Response to allegations due 8 March 2024
Outgoing from Panel to Mayor Braund	16 February 2024	Inquiry update and request for further information to Mayor Braund
Incoming from Mayor Braund to Panel	19 February 2024	Response to Panel's request
Incoming from Cr Meyer	25 February 2024	Request for 2-week extension
Outgoing from Panel to Cr Meyer	1 March 2024	Extension granted – new due date for response 22 March 2024
Incoming from Cr Meyer to Panel	9 March 2024	Comments received from Cr Meyer regarding allegations.
Outgoing from Panel to Cr Meyer	20 June 2024	Provisional findings letter, response due COB 11 July 2024
Outgoing from Panel to Mayor Braund	20 June 2024	Provisional findings letter, response due COB 11 July 2024
Incoming from Mayor Braund to Panel	26 June 2024	Response provided to Provisional Findings letter
Incoming from Cr Meyer to Panel	02 July 2024	Request for further information and request for four-week extension
Outgoing from Panel to Cr Meyer	26 July 2024	Response to Cr Meyer's specific questions and extension granted to 9 August 2024
Incoming from Tindal Gask Bentley Lawyers (Kevin Raison) for Cr Meyer	6 August 2024	Requests for further information and extension
Outgoing from Panel to K Raison (Tindal Gask Bentley)	15 August 2024	Panel declined to give a further extension to Cr Meyer

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Incoming from Tindal Gask Bentley Lawyers (Kevin Raison) for Cr Meyer	22 August 2024	Submission on behalf of Cr Meyer
Outgoing from Panel to Senior Council Officer	29 November 2024	Final Report – invitation for submissions on publication – due COB 13 December 2024.
Outgoing from Panel to Cr Meyer	29 November 2024	Final Report – invitation for submissions on publication – due COB 13 December 2024.
Outgoing from Panel to Mayor Braund	29 November 2024	Final Report – invitation for submissions on publication – due COB 13 December 2024.
Incoming from Senior Council Officer	2 December 2024	Clarification of letter content
Outgoing from Panel to Senior Council Officer	2 December 2024	Clarification of letter content
Incoming from Cr Meyer to Panel	3 December 2024	Request for redacted copy of report and request for complaint and FOI details
Outgoing from Panel to Cr Meyer	4 December 2024	Redacted report unable to be provided as those decisions were pending the feedback being requested. Details of complaints and FOI provided.
Incoming from Mayor Braund to Panel	12 December 2024	Response to feedback request – nil regarding redactions
Incoming from Senior Council Officer to Panel	12 December 2024	Response to feedback request – nil regarding redactions
Incoming from Tindall Gask Bentley Lawyers (K Raison) for Cr Meyer	13 December 2024	Request for 7 day extension for comments.
Outgoing from Panel to K Raison of Tindall Gask Bentley Lawyers for Cr Meyer	13 December 2024	Panel declined request for 7 days extension and granted an extension until COB 16 December.
Incoming from K Raison, Tindall Gask Bentley lawyers for Cr Meyer	16 December 2024	Submission on behalf of Cr Meyer relating to publication of report and Panel's Inquiry process.

11. On 16 February 2024, the Panel sent a letter to Cr Meyer that detailed the six allegations that were the subject of the Panel's inquiry. This letter provided Cr Meyer with a three-week period (to 8 March

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2024) to make submissions on the allegations. The Panel also provided Cr Meyer with an opportunity to view the documents relating to the inquiry during this period.

12. In this correspondence, the Panel advised Cr Meyer that it would consider any written submissions provided by 8 March 2024 as part of its inquiry into the Complaint, and that should Cr Meyer choose not to make a submission, the Panel would conduct the inquiry into the Complaint based on the information and advice available to the Panel.
13. On 25 February 2024, Cr Meyer wrote to the Panel requesting an extension to the period in which he could provide a response submission, as his earlier appointment to obtain assistance to reply to the allegations had to be rescheduled.
14. On 1 March 2024, the Panel wrote to Cr Meyer and confirmed that the period to provide a response was extended to 22 March 2024.
15. The Panel also wrote to Mayor Braund on 16 February 2024 advising of the correspondence sent to Cr Meyer. This correspondence also advised Mayor Braund that the Ombudsman had provided authorisation that redacted information relating to a matter referenced in the Complaint could be provided to the Panel.
16. Mayor Braund responded on 19 February 2024 with the requested information.
17. On 9 March 2024, Cr Meyer sent a submission to the Panel for its consideration stating that he did not commit serious misbehaviour as alleged in the six allegations and provided responses to each allegation (which is summarised further in the report).
18. On 20 June 2024, the Panel wrote to Cr Meyer and Mayor Braund to advise of the Panel's provisional findings and orders.
19. Both Cr Meyer and Mayor Braund were provided with three weeks (until close of business 11 July 2024) to respond to the provisional findings and orders.
20. Mayor Braund responded on 26 June 2024.
21. On 2 July 2024, Cr Meyer requested information from the Panel to enable him to respond to the provisional findings and orders through a series of 16 questions and requests. These questions included, amongst other things, seeking information on avenues for review of the Panel's decisions; the standard of proof that applied to the Panel's assessment; clarification of certain statements in the Panel's letter of provisional findings and orders; seeking the supply all evidence considered by the Panel to come to its provisional finding in relation to the allegations; and included requests for authorisation to disclose the matter to certain persons.
22. Cr Meyer also requested a four-week extension to provide a response to the Panel and made some comments in relation to the provisional findings and orders, which will be discussed later in this report.
23. The Panel responded to Cr Meyer's questions on 26 July 2024 and provided an extension of time to him until COB 9 August 2024, to provide a further response to the Panel.

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24. In its correspondence of 26 July 2024, the Panel reminded Cr Meyer that the Panel had previously provided him with the opportunity to view information relating to the allegations in the letter of allegations dated 16 February 2024, by 8 March 2024 initially, with an extension to 22 March 2024.
25. The Panel noted that Cr Meyer did not take the opportunity afforded to him at that time.
26. The Panel advised that it was prepared to offer Cr Meyer a further opportunity to view the material relating to the inquiry and informed Cr Meyer that he may only view the correspondence in person and that he was not able to make copies or take photographs of the correspondence. The Panel advised Cr Meyer that should he wish to view the documents, this must be arranged by contacting the Panel's Executive Officer and must be arranged within the period of extension granted by the Panel.
27. On 6 August 2024 the Panel received correspondence from Mr Kevin Raison of Tindall Gask Bentley Lawyers on behalf of Cr Meyer. This letter referred to the Panel's letter to Cr Meyer, dated 16 February 2023, and requested copies of 'all materials supplied to or relied upon throughout' the inquiry. Mr Raison noted that depending on the documents provided, they may be required to seek a further extension of time to provide a further response on behalf of Cr Meyer.
28. On 18 August 2024, the Panel wrote to Mr Raison and advised that the Panel had considered the request but had determined to refuse it. The Panel advised that it made this determination for the following reasons—
 - Cr Meyer was provided with multiple opportunities to view all documents related to the inquiry and chose not to do so.
 - At the various stages in the inquiry process that Cr Meyer sought extensions of time to respond and the Panel granted extensions, Cr Meyer had made no attempt to arrange to view the documents relating to the inquiry at any time since the opportunity was first provided on 16 February 2024. Cr Meyer also did not raise concerns about his ability to do so, prior to the letter from Mr Raison of 18 August 2024.
 - Additionally, Cr Meyer has at all times been in possession of the relevant materials relating to the allegations that enabled a full and meaningful response.
 - Cr Meyer's response to the allegations included various specific references to the materials supporting the allegations, namely email correspondence Cr Meyer was a party to, including 'copy and pasting' of substantial parts of that material. It was clear to the Panel, based on his response and the fact that he did not take the opportunity offered to him to view any materials, that Cr Meyer had the relevant materials available to him.
 - Cr Meyer's opportunity to consider the allegations, the relevant material and provide a response had passed.
29. The Panel had considered that it had already provided Cr Meyer with generous extensions of time to respond throughout the inquiry process. As detailed above, Cr Meyer had had multiple opportunities to obtain legal advice and respond to the Panel. The Panel considered that further extensions would delay the Panel's ability to conclude the inquiry, which would not be in the interests of the various parties.

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30. On 22 August 2024, Mr Kevin Raison wrote to the Panel again on Cr Meyer's behalf and stated that it had always been his client's intention to make a further submission. Mr Raison stated that they did not accept that Cr Meyer's opportunity to obtain legal advice and make a further response had passed.
31. Mr Raison, on Cr Meyer's behalf, requested that the Panel give due consideration to the entirety of the attached submissions, which addressed the Panel's provisional findings and orders and included a further submission for the Panel's consideration in relation to the publication of the report.
32. The Panel determined to accept and consider the correspondence from Mr Raison, on behalf of Cr Meyer dated 22 August 2024, as a further submission (a summary of which is provided further in the report).
33. On 29 November 2024 the Panel wrote to Cr Meyer, Mayor Braund and the Senior Council Officer and provided a draft final report for their consideration. The Panel invited all three parties to provide submissions on publication of the report and included suggested redactions for their consideration. Submissions were requested to be returned by COB 13 December 2024.
34. On 3 December 2024 Cr Meyer wrote to the Panel and requested a redacted copy of the report and details of Freedom of Information (FOI) requests and complaint making processes.
35. On 4 December 2024 the Panel provided Cr Meyer with the details for making requests under FOI and making complaints. However, the Panel was unable to provide a redacted copy of the report for Cr Meyer's consideration as redactions had not been agreed to and were pending receipt of the three parties' submissions.
36. On 12 December 2024 the Panel received responses from the Senior Council Officer and Mayor Braund. Neither submission contained requests for redactions beyond those that the Panel had suggested.
37. On 13 December 2024 the Panel received a response from Mr Raison, Tindall Gask Bentley, on Cr Meyer's behalf requesting a seven day extension.
38. On 13 December 2024, the Panel wrote to Mr Raison and declined the request for a seven day extension. The Panel granted to an extension to COB Monday 16 December 2024.
39. On 16 December 2024 the Panel received a submission from Mr Raison on behalf of Cr Meyer that contained a significant number of assertions that were not restricted to matters of publication.

Complaint referrals

40. As noted above, the Panel received four complaints alleging that Cr Meyer failed to comply with section 75G of the Act.

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First complaint referral	Sent on 8 September 2023 Further information related to the first complaint referral received on 28 September 2023
Further complaint referral received	21 December 2023
Further complaint referral received	24 January 2024
Further complaint referral received	8 February 2024

41. The complaint referrals received by the Panel alleged that Cr Meyer had engaged in behaviour, which included sending repeated emails to the Senior Council Officer, and copied in all the members of the Council into the correspondence, with comments to or about the Senior Council Officer, that had ultimately been determined by Mayor Braund, as the responsible person under section 75G(2)(c)(i) of the Act, to give rise a risk to the health and safety of the Senior Council Officer. Mayor Braund formed this view arising from an email he received from the Senior Council Officer, on 21 June 2023, indicating that the content of certain emails from Cr Meyer to the Senior Council Officer was impacting on the Senior Council Officer’s mental health.

First complaint referral – September 2023

42. The first complaint received in September 2024 contained details of Cr Meyer’s alleged behaviour, the negative impact that the Senior Council Officer stated the behaviour was having on his mental health, and details of the process undertaken by Mayor Braund to issue reasonable directions under section 75G of the Act to minimise the risk to the Senior Council Officer’s health and safety. This complaint contained some information that had been redacted in accordance with the *Ombudsman Act 1972*.
43. The information provided by Mayor Braund in this first complaint referral included the emails sent by Cr Meyer to the Senior Council Officer (as detailed further in the report), and the emails back and forth between Mayor Braund and Cr Meyer relating to the reasonable directions under section 75G of the Act.
44. The information provided indicated that Cr Meyer had been involved in email communications over a period of several years, which included email correspondence to Council members, Council staff, and other parties, whereby Cr Meyer requested documents from the Senior Council Officer and the Council administration regarding a specific matter.
45. The complaint alleged that the content of the correspondence from Cr Meyer became increasingly “*antagonistic*” towards the Senior Council Officer, particularly in the emails dated 3 June 2023 and 11 June 2023.
46. On 14 July 2023, Mayor Braund wrote to Cr Meyer notifying him of his intention, as a responsible person under section 75G(2)(c)(ii) of the Act, to issue reasonable directions pursuant to section 75(1)(b) of the Act, enclosing the draft directions, and providing Cr Meyer with the opportunity to respond.

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47. On 4 August 2023, after having considered Cr Meyer's response (dated 25 July 2023), Mayor Braund issued reasonable directions, pursuant to sections 75G(1)(b) of the Act, to Cr Meyer. These reasonable directions provided instructions to Cr Meyer to restrict the manner in which Cr Meyer may use email or other written correspondence to make requests or comments to or about the Senior Council Officer, and who the recipients of these communications may be.
48. A copy of the reasonable directions, dated 4 August 2023 (the Directions), was included with the first complaint referral. The Panel considered these Directions.
49. The Directions stated—
1. *You are directed that from the date of this direction, unless otherwise permitted in writing by the Mayor, and subject to below paragraph [2]:*
 - 1.1 *In any email or other written communication sent by you and addressed or copied to [REDACTED] and:*
 - 1.1.1 *at least one other Councillor; or*
 - 1.1.2 *any person who is not a Council member or Council employee;*
(regardless of who else the email may be addressed or copied to),
you must not:
 - 1.1.3 *direct any comment, query or request to [REDACTED]; or*
 - 1.1.4 *make any comment or allegation about [REDACTED]*
conduct or the manner in which [REDACTED] has or will perform his role,
function or position as the [REDACTED]
 - 1.2 *If you wish to direct any comment, query or request to [REDACTED], you must do so only by email addressed to [REDACTED] and copying in the Mayor. You must not address or copy that email to any other person apart from [REDACTED] and the Mayor without the Mayor or the [REDACTED] express written permission.*
 - 1.3 *If you wish to make complaint regarding the performance or conduct of [REDACTED] you must do so only by email or other written correspondence to the Mayor. You must not address or copy that email or correspondence to any other person apart from the Mayor.*
50. A copy of the reasonable directions is contained in Attachment 1.
51. In summary, the Directions issued by Mayor Braund specified that any comment, query or request from Cr Meyer to the Senior Council Officer should be addressed by email only to the Senior Council Officer and copied to the Mayor, and must not be addressed or copied to anyone else, without the Mayor or the Senior Council Officer's permission (1.2 of the Directions). The directions also stated that any complaint about the Senior Council Officer should be sent to the Mayor and not copied to anyone else (1.3 of the Directions). In any email or other written communication sent by Cr Meyer and addressed or copied to the Senior Council Officer that included another council member or any person who is not a Council member or Council employee, Cr Meyer must not make any comment or allegation about the Senior Council Officer, the Senior Council Officer's conduct or the manner in which the Senior Council Officer has or will perform their role, function or position.

52. Mayor Braund indicated in his letter, dated 4 August 2024, accompanying the reasonable directions, that he was of the view that *“there is now a heightened risk”* that further emails from Cr Meyer *“depending upon the audience and content of the email”* could *“lead to adverse effects to the health and safety of [REDACTED]”*, regardless of Cr Meyer’s intention in any email.
53. In this letter, Mayor Braund indicated that the directions *“are not a finding of wrongdoing”* on Cr Meyer’s part but the *“purpose of the directions is to avoid adverse effects to the health and safety of a Council employee”*.
54. The complaint also alleged two incidents—on 22 August 2023 and 4 September 2023—where Cr Meyer’s behaviour had failed to comply with the reasonable directions under section 75G(1)(b) of the Act, that had been issued by Mayor Braund, as a responsible person under section 75G(2)(c)(ii) of the Act.

Further complaint referrals

21 December 2023 referral

55. On 21 December 2023, Mayor Braund wrote to the Panel to bring to the Panel’s attention two further instances of potential serious misbehaviour by Cr Meyer and requested that these be *“treated as additional facts and issues”* relating to the existing complaint.
56. This referral alleged that Cr Meyer breached the confidentiality of the reasonable directions issued by Mayor Braund on 4 August 2023 on two instances—on 1 November 2023 and 13 November 2023—thereby breaching his statutory obligation under section 75G(1)(b) of the Act.
57. The information provided in this referral were the communications between Mayor Braund and Cr Meyer in relation to the confidentiality of the reasonable directions.

23 January 2024 referral

58. The further complaints received by the Panel alleged that Cr Meyer’s continued behaviour that was determined by Mayor Braund to continue to give rise to a risk to the health and safety of the Senior Council Officer.
59. On 23 January 2024, Mayor Braund sent a further complaint referral to the Panel alleging further alleged serious misbehaviour on the part of Cr Meyer. Mayor Braund requested that the Panel also treat these as additional facts and issues to be dealt with as part of the original complaint.
60. In this referral, Mayor Braund raised concerns with *“the continued impact which this ongoing matter is having on [REDACTED] who is the target of Cr Meyer’s alleged serious misbehaviour”*. Mayor Braund raised concerns about the relationship between Cr Meyer and [REDACTED] wellbeing, which Mayor Braund considered would continue to worsen.
61. This referral alleged that Cr Meyer failed to take reasonable care that his acts or omissions do not adversely affect the health and safety of the Senior Council Officer, as required under section 75G(1)(a) of the Act, in his actions of submitting questions on notice to [REDACTED] that were *“drafted as though they were directed [REDACTED] personally”*.

62. The referral included two instances of the alleged serious misbehaviour contained in—
- Cr Meyer’s email of 1 December 2023 submitting questions on notice for the ordinary Council meeting to be held on 13 December 2023; and
 - Cr Meyer’s email of 5 January 2024, submitting to the Senior Council Officer further questions on notice, to be dealt with at the ordinary meeting to be held on 17 January 2024.
63. On 10 January 2024, Mayor Braund received an email from the Senior Council Officer which indicated the Senior Council Officer’s distress and the impact on them, with the Senior Council Officer raising concerns that the majority of Cr Meyer’s emails were *“another attempt by Cr Meyer to victimise me and attack my integrity publicly, by implying that there has been some sort of wrongdoing on my behalf”*.
64. Mayor Braund was of the view that Cr Meyer was *“abusing the questions on notice mechanism”* under Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013 to *“place such aspersions on publicly available Council meeting agendas”* which was *“affecting [REDACTED] wellbeing”*.
65. The information provided in this referral from Mayor Braund included the emails from Cr Meyer to the Senior Council Officer with the questions on notice and the minutes of the relevant Council meetings.

8 February 2024 referral

66. On 8 February 2024, Mayor Braund sent in a further referral of alleged serious misbehaviour by Cr Meyer of failing to comply with his health and safety duties under section 75G(1)(a) of the Act.
67. Following Mayor Braund’s view that Cr Meyer has been *“abusing the question on notice mechanism provided under the Local Government (Procedures at Meetings) Regulations 2013, in a way that was clearly affecting [REDACTED] wellbeing”*, Mayor Braund wrote to Cr Meyer on 1 February 2024 outlining his intentions to issue further reasonable directions under section 75G(1)(b) of the Act to place limitations on Cr Meyer’s ability to ask questions.
68. On 2 February 2024, Cr Meyer submitted to the Senior Council Officer, by email, a number of further questions on notice to be dealt with at the ordinary Council meeting to be held on 14 February 2024 that Mayor Braund was of the view was a *“continuation of Cr Meyer’s abuse of the question mechanism”*.
69. Mayor Braund stated in this referral that he had made clear to Cr Meyer that his behaviour was *“exposing [REDACTED] to a risk of harm and it is now abundantly clear that Cr Meyer either does not care that this is the case or is continuing with his behaviour specifically so that he does cause harm to [REDACTED]”*.
70. Mayor Braund alleged that this continued behaviour by Cr Meyer was a failure to comply with his statutory duty under section 75G(1)(a) of the Act.
71. The information provided in this referral from Mayor Braund included an email from the Senior Council Officer to Mayor Braund dated 23 January 2024, the email from Cr Meyer to the Senior

Council Officer with the questions on notice dated 2 February 2024, and Mayor Braund's email with the notice of intention to issue further directions to Cr Meyer dated 1 February 2024.

72. As noted above, the Panel determined to combine the four referred complaints as one complaint (the Complaint) and determined to conduct an inquiry into the Complaint.

Allegations

73. Following an examination of the Complaint, the Panel determined to inquire into six allegations, as detailed further below. A summary of Cr Meyer's responses provided in his submission in relation to each allegation is also detailed below, after the particulars of each allegation.

Allegation 1 - Serious Misbehaviour 75G(1)(a)

74. It is alleged that on 3 June 2023, 11 June 2023, and 25 July 2023, Cr Meyer, in his capacity as a council member, sent emails to the Senior Council Officer, in which he wrote in a manner that was inappropriate, accusatory, and/or antagonistic, and copied in all the members of the Council into the correspondence. These emails continued a chain of correspondence (which started on 29 July 2020) that requested that the Senior Council Officer provide all the members of the Council with certain documents relating to a specific council matter (██████████). In doing so, Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council and thereby contravened section 75G(1)(a) of the Act and thereby committed serious misbehaviour.

Particulars

75. At all material times Cr Meyer was a member of the Council.
76. At all material times Cr Meyer was required to comply with his statutory obligation under section 75G(1)(a) of the Act which provides that a member of a council must *"take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council"*.
77. On Saturday, 3 June 2023 at 8:15 am, Cr Meyer, whilst acting in his capacity as a member of the Council, emailed the Senior Council Officer and copied in all the other members of the Council. In this email, Cr Meyer wrote in a manner that was inappropriate, accusatory, and/or antagonistic. The email included statements questioning the Senior Council Officer's integrity and implied/alluded that the Senior Council Officer had not adequately and/or appropriately been performing his role. The email also contained allegations that the Senior Council Officer and other council staff had failed to resolve Cr Meyer's requests for access to documents in accordance with section 61 of the Act.
78. In response to the Senior Council Officer's statement in his email on Tuesday, 30 May at 3:27 pm, that he had *"not been involved with"* the matter *"for a considerable amount of time"* or *"involved in the report preparation on the matter"*, Cr Meyer stated the following—

"Checking the Local Government Act, there is no section about "Stepping Away". It seems to be something you have constructed to deny supplying the documents. If you have stepped away from the ██████████ matter, please confirm you have declared a Conflict of Interest. If you have not declared a Conflict of Interest, please perform your role as the ██████████ and comply with my request".

“A couple rhetorical questions I could ask are, why do staff not want Elected Members to see documents, in a matter that is causing so much anxiety to all involved? What is being hidden for Elected Members? If there is nothing of consequence, supplying the documents would put a line in the sand and resolve the matter. If there is something that causes concern to Elected Members, we can deal with that and finalise the matter also”.

79. On Sunday, 11 June 2023 at 10:31 am, Cr Meyer, whilst acting in his capacity as a member of the Council, emailed the Senior Council Officer and copied in all the other members of the Council, writing in a manner that was inappropriate, accusatory, and/or antagonistic. This email contained further commentary in the nature of unsubstantiated allegations against the Senior Council Officer of a conflict of interest. Cr Meyer quoted the Ombudsman and then stated underneath the quote that—

“It appears that the Ombudsman’s Office hasn’t cleared you, just decided not to use resources to investigate further”.

80. In this email, Cr Meyer curated portions of information from the Ombudsman’s letter (without the context of other statements by the Ombudsman) in such a manner so as to imply that the Senior Council Officer was not “cleared” of a conflict of interest in the matter. This email could reasonably appear to be designed to encourage other members of the Council to question the Senior Council Officer’s integrity and ability to do their job.

81. On Tuesday, 25 July 2023, at 9:05 am, Cr Meyer, whilst acting in his capacity as a member of the Council, emailed the Senior Council Officer and copied in all the other members of the Council, writing in a manner that was accusatory, antagonistic, and/or intimidating. In the email, Cr Meyer continued to request access to documents from the Senior Council Officer, and wrote in a manner that implied that the [REDACTED] would be impacted should he fail to act as Cr Meyer requested. Cr Meyer stated—

“We are also coming up to the Annual Review of [REDACTED]. These documents would assist us in conducting a review into your performance in this matter, from the beginning (2019) until now.”

“We may decide as an Elected Body to give you instruction via a Motion, once the documents are received and reviewed or fully support the decisions made by you.”

“I understand you are going on Leave and understand if you need to delegate the compilation of the requested documents to another in your absence. The only time limitation I ask, is that the documents are supplied before our meeting as [REDACTED] group.”

82. Cr Meyer ought reasonably to have known that those acts as particularised above could adversely affect the health and safety of members or employees of the Council who received his emails.
83. Cr Meyer breached his statutory obligation under 75G(1)(a) of the Act in that by engaging in the acts set out in the above paragraphs he failed to take reasonable care that his acts did not adversely affect the health and safety of employees and members of the Council in receipt of his emails.
84. By failing to comply with section 75G(1)(a) of the Act Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer's Responses to Allegation 1

85. Cr Meyer stated that his "*statements were quotations*", that he was "*stating facts*", and that they "*were polite in nature*".
86. Cr Meyer alleged that the [REDACTED] *had previously advised that he had stepped aside, yet continued to make decisions of consequence in the matter*".
87. Cr Meyer asserted that his statement in relation to the Ombudsman's assessment of the complaint against the Senior Council Officer was "*correct on the evidence to hand*".
88. Cr Meyer stated that his reference to the [REDACTED] was to "*ensure that the timeframe for the documents was understood*".
89. He stated that he has not made "*any accusations of wrongdoing by [REDACTED]*" in his communications. He asserted that he "*stated facts, there were no accusations and it was not written in an antagonistic or intimidating manner*".
90. As an explanation as to why he copied in all other council members in his emails to the Senior Council Officer, Cr Meyer cited a "*Communication Protocol between Elected Members and staff*" that the Senior Council Officer had advised on 16 June 2017, wherein all council members were copied in. Cr Meyer stated that he was complying with that 'Protocol'.

Allegation 2 – Serious Misbehaviour 75G(1)(a) and 75G(1)(b)

91. It is alleged that on 22 August 2023 at 8:34 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund, copying in all the other members of the Council asking Mayor Braund to "*follow up*" a request for documents he had previously made to the Senior Council Officer under 61(2) of the Act. It is noted that the Senior Council Officer was not included in this email; however, the previous chain of emails was attached which showed all correspondence between Cr Meyer and the Senior Council Officer including those referenced above. By making this request to Mayor Braund, and continuing to involve other members of the Council, Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council, and Cr Meyer also failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby respectively contravened section 75G(1)(a) and section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.

Particulars

92. At all material times Cr Meyer was a member of the Council.
93. At all material times Cr Meyer was required to comply with his statutory obligation under section 75G(1)(a) of the Act which provides that a member of a council must "*take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council*".
94. On 4 August 2023, Mayor Darren Braund, as a responsible person under section 75G of the Act, issued reasonable directions to Cr Meyer, being satisfied that Cr Meyer's email correspondence to

the Senior Council Officer has “*given rise to the relevant risk to the health and safety of [REDACTED]. This is so irrespective of whether that is the intended effect*” of the emails. The directions put parameters on Cr Meyer’s communications with the Senior Council Officer, to protect the Senior Council Officer’s health and safety, but do not prevent Cr Meyer from communicating with the Senior Council Officer.

95. At all material times, Cr Meyer was required to comply with the terms of the directions issued by Mayor Braund on 4 August 2023 (the Directions).
96. At all material times Cr Meyer was required to comply with his statutory obligation under section 75(1)(b) of the Act which provides that a member of a council must “*comply, so far as reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member’s acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council*”.
97. On 22 August 2023, at 8:34 pm, Cr Meyer emailed Mayor Braund in his capacity as a member of the Council. Copied to this email were numerous Councillors and some Council staff members. In this email, Cr Meyer provided details of when Cr Meyer and other councillors had made requests for the documents from the Senior Council Officer and asked the Mayor to “*follow up and advise when the councillors would receive them*”. A significant amount of previous correspondence between Cr Meyer and the Senior Council Officer was included in the email. That email correspondence was an indirect comment, query or request to the Senior Council Officer in breach of 1.2 of the Directions, or in the alternative, it was a complaint regarding the performance or conduct of the Senior Council Officer in breach of 1.3 of the Directions.
98. Cr Meyer did not have written permission from Mayor Braund or the Senior Council Officer to include other persons in the correspondence.
99. Cr Meyer ought reasonably to have known that his acts as particularised above could adversely affect the health and safety of members or employees of the Council.
100. Cr Meyer breached his statutory obligation under section 75G(1)(a) of the Act in that by sending the email described above Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of members or employees of the Council.
101. Cr Meyer also breached his statutory obligation under section 75G(1)(b) of the Act in that by engaging in the acts set out above, Cr Meyer failed to comply, so far as he was reasonably able, with the Directions that were given by Mayor Braund.
102. By failing to comply with section 75G(1)(a) and section 75G(1)(b) Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer’s Responses to Allegation 2

103. Cr Meyer stated that he did not email the Senior Council Officer, as per his understanding of the Directions issues by Mayor Braund.
104. He “*did not request anything of [REDACTED] as per 1.2 of the Directions*”.

105. The request was addressed to the Mayor and he “*did not make a Complaint about the performance of [REDACTED] as per 1.3 of the Directions*”.

Allegation 3 – Serious Misbehaviour 75G(1)(a) and 75G(1)(b)

106. It is alleged that on 4 September 2023 at 4:55 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund, copying in all the other members of the Council asking Mayor Braund to advise when the previously requested documents would be received, noting that it had been a fortnight since his last request. It is noted that the Senior Council Officer was again not included in this email; however, the previous chain of emails was attached which showed all correspondence between Cr Meyer and the Senior Council Officer including those referenced above. By making this request to Mayor Braund and continuing to involve other members of the Council Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council, and Cr Meyer also failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby respectively contravened section 75G(1)(a) and section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.

Particulars

107. At all material times Cr Meyer was a member of the Council.
108. At all material times Cr Meyer was required to comply with his statutory obligation under section 75G(1)(a) of the LG Act which provides that a member of a council must “*take reasonable care that the member’s acts or omissions do not adversely affect the health and safety of other members of council or employees of the council*”.
109. On 4 August 2023, Mayor Darren Braund, as a responsible person under section 75G of the Act, issued reasonable directions to Cr Meyer, being satisfied that Cr Meyer’s email correspondence to the Senior Council Officer has “*given rise to the relevant risk to the health and safety of [REDACTED]. This is so irrespective of whether that is the intended effect*” of the emails. The directions put parameters on Cr Meyer’s communications with the Senior Council Officer, to protect the Senior Council Officer’s health and safety, but do not prevent Cr Meyer from communicating with the Senior Council Officer.
110. At all material times, Cr Meyer was required to comply with the Directions issued to him by Mayor Darren Braund on 4 August 2023.
111. At all material times Cr Meyer was required to comply with his statutory obligation under section 75(1)(b) of the Act which provides that a member of a council must “*comply, so far as reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member’s acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council*”.
112. On 4 September 2023 at 4:55 pm, Cr Myer emailed Mayor Braund in his capacity as a member of the Council. Copied to this email were numerous Councillors and some Council staff. In the email, Cr Meyer asked Mayor Braund “*Can you please advise when we will receive these documents? Tomorrow will be a fortnight since my last request*”. A significant amount of previous correspondence between Cr Meyer and the Senior Council Officer was included in the email. That email

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correspondence was an indirect comment, query or request to the Senior Council Officer in breach of 1.2 of the Directions, or in the alternative, it was a complaint regarding the performance or conduct of the Senior Council Officer in breach of 1.3 of the Directions.

113. Cr Meyer did not have written permission from Mayor Braund or the Senior Council Officer to include other persons in the correspondence.
114. Cr Meyer ought reasonably have known that his acts as particularised above could adversely affect the health and safety of members or employees of the Council.
115. Cr Meyer breached his statutory obligation under section 75G(1)(a) of the Act in that by sending the email particularised above Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of members or employees of the Council.
116. Cr Meyer also breached his statutory obligation under section 75G(1)(b) of the Act in that by engaging in the particulars set out above, Cr Meyer failed to comply, so far as he was reasonably able, with the Directions that were given by Mayor Braund.
117. By failing to comply with section 75G(1)(a) and section 75G(1)(b) Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer's Responses to Allegation 3

118. Cr Meyer stated that the email in this Allegation was a direct follow-up in relation to the email that forms the basis of Allegation 2 and is not a breach for the same reasons.

Allegation 4 – Serious Misbehaviour 75G(1)(b)

119. It is alleged that on 1 November 2023 at 1:12 pm, Cr Meyer, in his capacity as a member of the Council, emailed all the members of the Council to advise them of the Directions issued to him and his absences from a recent Council meeting and an information session. By sending this email to all the members of the Council Cr Meyer included information that was subject to a confidentiality direction from a responsible person, and failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that Cr Meyer's acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.

Particulars

120. At all material times Cr Meyer was a member of the Council.
121. On 4 August 2023, Mayor Darren Braund, as a responsible person under section 75G of the Act, issued reasonable directions to Cr Meyer, being satisfied that Cr Meyer's email correspondence to the Senior Council Officer has *"given rise to the relevant risk to the health and safety of [REDACTED]. This is so irrespective of whether that is the intended effect"* of the emails.
122. On 11 August 2023, following a request made by Cr Meyer on 8 August 2023, Mayor Darren Braund wrote to Cr Meyer to specifically clarify the confidentiality requirements relating to the Directions that had previously been issued to Cr Meyer. In his letter Mayor Braund confirmed that Cr Meyer *"may treat the fact that you are subject to directions under 75G of the Act as not being confidential. You*

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may communicate this fact to whomever you wish". He then went on to state, "*However, this does not include the content or subject matter of the Directions. Those matters are confidential.*"

123. On 28 September 2023, Mayor Braund advised Cr Meyer via email that the confidentiality requirements relating to the Directions, as specified on 11 August 2023, were also reasonable directions under section 75G of the Act.
124. By advising the members of the Council in the email of 1 November 2023, "*I can confirm that I still have an S75G Direction in force, against me for an alleged act that could possibly cause harm*", Cr Meyer disclosed information that he had been advised must remain confidential.
125. Cr Meyer breached his statutory obligation under section 75G(1)(b) of the Act in that by engaging in the particulars set out above, Cr Meyer failed to comply, so far as he was reasonably able, with the Directions that were given by Mayor Braund.
126. By failing to comply with section 75G(1)(b) Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer's Responses to Allegation 4

127. Cr Meyer stated that he did not breach the Directions as he did not—
 - mention the Senior Council Officer in the email sent to the Mayor that copied in all the other council members;
 - include the Senior Council Officer in the email;
 - supply "*any detail of the actual directions*";
 - "*disclose the content or subject matter of the Directions*".

Allegation 5 – Serious Misbehaviour 75G(1)(a)

128. It is alleged that on 13 November 2023 at 2:59 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund and the Senior Council Officer, to request information relating to his Leave of Absence notification. Attached to the email were two previous emails dated 7 November 2023 and 5 November 2023 with the subject heading "*Leave of Absence 5/11/23 13/11/23*", that contained information that was subject to a confidentiality direction from a responsible person. By sending the email to Mayor Braund and including the Senior Council Officer, Cr Meyer failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.

Particulars

129. At all material times Cr Meyer was a member of the Council.
130. On 4 August 2023, Mayor Darren Braund, as a responsible person under section 75G of the Act, issued reasonable directions to Cr Meyer, being satisfied that Cr Meyer's email correspondence to the Senior Council Officer has "*given rise to the relevant risk to the health and safety of the Officer. This is so irrespective of whether that is the intended effect*" of the emails.

131. On 11 August 2023, following a request made by Cr Meyer on 8 August 2023, Mayor Darren Braund wrote to Cr Meyer to specifically clarify the confidentiality requirements relating to the Directions that had previously been issued to Cr Meyer. In his letter Mayor Braund confirmed that Cr Meyer “*may treat the fact that you are subject to directions under 75G of the Act as not being confidential. You may communicate this fact to whomever you wish*”. He then went on to state, “*However, this does not include the content or subject matter of the Directions. Those matters are confidential.*”
132. On 28 September 2023, Mayor Braund advised Cr Meyer via email that the confidentiality requirements relating to the Directions, as specified on 11 August 2023, were also reasonable directions under section 75G of the Act.
133. Further to the above, in Mayor Braund’s reply to Cr Meyer’s email sent at 5:40pm on 7 November 2023, Mayor Braund reiterated his advice that Cr Meyer’s previous email of 5 November 2023 contained confidential information relating to the Directions. Cr Meyer then included this email in the new email sent to Mayor Braund and the Senior Council Officer on 13 November 2023.
134. Cr Meyer breached his statutory obligation under section 75G(1)(b) of the Act in that by engaging in the particulars set out above, Cr Meyer failed to comply, so far as he was reasonably able, with the Directions that were given by Mayor Braund.
135. By failing to comply with section 75G(1)(b) Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer’s Responses to Allegation 5

136. Cr Meyer stated that he sent and addressed the email to Mayor Braund and the Senior Council Officer as the only recipients, complying with the Directions.
137. He stated that the section of his email addressed to the Senior Council Officer “*is a formal request for Council Documents as per Section 61 (2) of the Local Government Act*”.
138. Cr Meyer stated that he was following the legislation and submitted his document requests in relation to relation to his Leave of Absence and “*the manner in which Mayor Braund handled the matter, to [REDACTED]*”. He further stated that he supplied sufficient information in the email to allow the Senior Council Officer the ability to identify the specific documents he required.

Allegation 6 - Serious Misbehaviour 75G(1)(a)

139. It is alleged that on 1 December 2023, 5 January 2024, and 2 February 2024, Cr Meyer, in his capacity as a member of the Council, submitted questions on notice to the Senior Council Officer (via email) to be put on the agenda of the ordinary Council meetings to be held on 13 December 2023, 17 January 2024, and 14 February 2024, respectively, with many of the questions drafted in language that was addressed directly towards the Senior Council Officer. Several of these questions on notice directed to the Senior Council Officer were inappropriate, accusatory and/or antagonistic as they could reasonably be considered to be designed to cast aspersions on the integrity of the Senior Council Officer and imply/allude that the Senior Council Officer had not adequately and/or appropriately been performing their role, in publicly available Council meeting agendas. In doing so, Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

Particulars

140. At all material times Cr Meyer was a member of the Council.
141. At all material times Cr Meyer was required to comply with his statutory obligation under section 75G(1)(a) of the LG Act which provides that a member of a council must “*take reasonable care that the member’s acts or omissions do not adversely affect the health and safety of other members of council or employees of the council*”.
142. On 1 December 2023, 5 January 2024, and 2 February 2024, Cr Meyer, in his capacity as a member of the Council, submitted questions on notice to the Senior Council Officer to be put on the agenda of the ordinary Council meetings to be held on 13 December 2023, 17 January 2024, and 14 February 2024, respectively, many of which were drafted in language that was addressed directly towards the Senior Council Officer.
143. Several of these questions on notice (referred to in the paragraph above) were inappropriate, accusatory and/or antagonistic as they could reasonably be considered to be designed to cast aspersions on the integrity of the Senior Council Officer, and implied/alluded that the Senior Council Officer had not adequately and/or appropriately been performing their role, in publicly available Council meeting agendas.
144. Mayor Braund caused these questions on notice to be edited before their inclusion in the meeting agendas for the Council meetings on 13 December 2023 and 17 January 2024, so that they were not addressed directly at the Senior Council Officer, and provided an explanation for these edits in the agenda to the meeting of 17 January 2024. The substance of the questions, however, remained the same following editing.
145. Several of the questions on notice submitted by Cr Meyer for the Council meetings on 13 December 2023 and 17 January 2024 were ruled by Mayor Braund that they “*not be answered*” as the Mayor considered the questions were vague, irrelevant or improper, under Regulation 9(6) of the Local Government (Procedures at Meetings) Regulations 2013.
146. Cr Meyer ought reasonably have known that his acts as particularised above could adversely affect the health and safety of members or employees of the Council.
147. Cr Meyer breached his statutory obligation under section 75G(1)(a) of the Act in that by causing the actions particularised above Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of members or employees of the Council.
148. By failing to comply with section 75G(1)(a) of the Act Cr Meyer committed serious misbehaviour as defined in section 262E of the Act.

Cr Meyer’s Responses to Allegation 6

149. Cr Meyer states that Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013 provides that a council member had to give written notice to the Senior Council Officer of questions on notice and that the Senior Council Officer is “*identified as the person responsible for ensuring the answers are included in the minutes*”.

150. Cr Meyer stated that the “*questions were designed to obtain answers, many of which would be in documents that I have requested and been declined*”.
151. Cr Meyer stated that he had sought the counsel of other council members prior to submitting the questions and had been assured that his questions were suitable and appropriate.
152. He further stated that his questions on notice “*were not designed to cast aspersion on the integrity of [REDACTED]. The Mayor has given no examples of any questions, or the aspersions that he states I was casting against the Officer*”. He also stated that the allegation was “*lacking in substance or evidence*”.

Provisional Findings

153. On 10 April 2024, the Panel met to consider all the information received in the referrals from Mayor Braund and the submissions received from Cr Meyer, to determine if the alleged behaviour by Cr Meyer constituted serious misbehaviour as defined under section 262E of the Act.
154. The Panel made a provisional determination that Cr Meyer’s behaviour constituted serious misbehaviour in relation to Allegations 1 and 6.
155. The provisional findings were as follows—

Allegation 1

156. It is alleged that on 3 June 2023, 11 June 2023, and 25 July 2023, Cr Meyer, in his capacity as a council member, sent emails to the Senior Council Officer, in which Cr Meyer wrote in a manner that was inappropriate, accusatory, and/or antagonistic, and copied in all the members of the Council into the correspondence. These emails continued a chain of correspondence (which started on 29 July 2020) that requested that the Senior Council Officer provide all the members of the Council with certain documents relating to a specific council matter. In doing so, Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council and thereby contravened section 75G(1)(a) of the Act and thereby committed serious misbehaviour.
157. **Panel finding** — That, in his actions on 25 July 2023, Cr Meyer committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(a) of the Act.
158. In the Panel’s letter of 20 June 2024, the Panel had indicated that in making this provisional finding the Panel noted that—
 - The email of 25 July 2023 was sent after Cr Meyer had been alerted by Mayor Braund, as a responsible person under section 75G of the Act, to the negative impact of his emails and their circulation to all Council members on the Senior Council Officer, and the heightened risk to the Senior Council Officer’s health and safety from further emails from Cr Meyer depending on the audience and content of the emails.
 - The email of 25 July 2023 was written in a manner that was accusatory, antagonistic and/or intimidating. In this email, Cr Meyer continued to request access to documents from the Senior

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Council Officer and wrote in a manner that implied that the Senior Council Officer's [REDACTED] would be impacted should he fail to act as Cr Meyer requested.

- This email contained references to Cr Meyer being part of the panel of Council members undertaking an annual review of the Senior Council Officer's performance and included the statement that provision of certain documents "*would assist us in conducting a review into your performance in this matter, from the beginning (2019) until now.*"

Cr Meyer's Responses to the Provisional Findings for Allegation 1

Response dated 2 July 2024

159. Cr Meyer expressed "surprise" at the Panel's findings that he had been found to have committed serious misbehaviour for Allegation 1.
160. Cr Meyer stated that other council members have also requested the same documents that he has been seeking from the Senior Council Officer in relation to the [REDACTED] matter.

Response dated 22 August 2024

161. Mr Raison on behalf of Cr Meyer contended that the Panel had made this determination without any evidence whatsoever from the Senior Council Officer or Mayor Braund in relation to this matter.
162. It was their understanding that that the evidence relied upon by the Panel was restricted to the emails themselves. The submission states that it was "not open to the panel to satisfy the definitions" —of "*antagonistic*", "*accusatory*" and/or "*intimidating*"—without "*embarking on an exercise of inexact proofs and/or indirect references*".
163. Mr Raison argued that reviewing Cr Meyer's email of 25 July 2024 in its entirety—
- "...reveals there is nothing accusatory, antagonistic, or intimidating in this communication. In contrast to the allegation, our client is showing support for the previous actions of [REDACTED]"*.
164. Below is the portion of the email of 25 July 2024 quoted in the submission, with the emphasis added—

"You are correct to assume that we have requested the Communications between Council and both parties in relation to this matter. We are not trying to review the actions of [REDACTED]

Far from it.

We wish to review the communications and decisions between these parties, made by Council Staff.

Similar to when you and I attended a Development matter customer [REDACTED], or the meeting you and I had with another Councillor, in your office, in relation to a [REDACTED]

We reviewed both matters. I supported the decision of Council on one and requested a further review into options on the other.

You had the relevant folders with all the information at hand, so we could make informed decisions.”

“We are also coming up to [REDACTED]. These documents would assist us in conducting a review into your performance in this matter, from the beginning (2019) until now.

*We may decide as an Elected Body to give you instruction via a Motion, once the documents are received and reviewed or **fully support the decisions made by you.**”*

165. Mr Raison argues that his client is “stating facts” and has “identified that the Council could write a motion or fully support the decision made by [REDACTED]”.
166. Mr Raison argues that on the evidence before the Panel, the Panel “cannot be satisfied that the conduct has had any adverse impact on [REDACTED]” and that “the email of 25 July 2024 was not serious misbehaviour and is not a breach of section 75G(1)(a)”.

Allegation 2

167. It is alleged that on 22 August 2023 at 8:34 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund, copying in all the other members of the Council asking Mayor Braund to “follow up” a request for documents he had previously made to the Senior Council Officer under 61(2) of the Act. It is noted that the Senior Council Officer was not included in this email; however, the previous chain of emails was attached which showed all correspondence between Cr Meyer and the Senior Council Officer including those referenced above. By making this request to Mayor Braund, and continuing to involve other members of the Council, Cr Meyer failed to take reasonable care that their acts did not adversely affect the health and safety of other members or employees of the Council, and Cr Meyer also failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby respectively contravened section 75G(1)(a) and section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.
168. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(a) of the Act.
169. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(b) of the Act.

Allegation 3

170. It is alleged that on 4 September 2023 at 4:55 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund, copying in all the other members of the Council asking Mayor Braund to advise when the previously requested documents would be received, noting that it had been a fortnight since his last request. It is noted that the Senior Council Officer was again not included in this email; however, the previous chain of emails was attached which showed all correspondence between Cr Meyer and the Senior Council Officer including those referenced above. By making this request to Mayor Braund and continuing to involve other members of the Council Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council, and Cr Meyer also failed to comply with a reasonable

direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby respectively contravened section 75G(1)(a) and section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.

171. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(a) of the Act.
172. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(b) of the Act.

Allegation 4

173. It is alleged that on 1 November 2023 at 1:12 pm, Cr Meyer, in his capacity as a member of the Council, emailed all the members of the Council to advise them of the Directions issued to him and his absences from a recent Council meeting and an information session. By sending this email to all the members of the Council Cr Meyer included information that was subject to a confidentiality direction from a responsible person, and failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that Cr Meyer's acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.
174. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(b) of the Act.

Allegation 5

175. It is alleged that on 13 November 2023 at 2:59 pm, Cr Meyer, in his capacity as a member of the Council, emailed Mayor Darren Braund and the Senior Council Officer, to request information relating to his Leave of Absence notification. Attached to the email were two previous emails dated 7 November 2023 and 5 November 2023 with the subject heading "Leave of Absence 5/11/23 – 13/11/23", that contained information that was subject to a confidentiality direction from a responsible person. By sending the email to Mayor Braund and including the Senior Council Officer, Cr Meyer failed to comply with a reasonable direction that was given by a responsible person for the purposes of ensuring that his acts or omissions did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(b) of the Act, and thereby committed serious misbehaviour.
176. **Panel finding** — That Cr Meyer has not committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(b) of the Act.

Allegation 6

177. It is alleged that on 1 December 2023, 5 January 2024, and 2 February 2024, Cr Meyer, in his capacity as a member of the Council, submitted questions on notice to the Senior Council Officer (via email) to be put on the agenda of the ordinary Council meetings to be held on 13 December 2023, 17 January 2024, and 14 February 2024, respectively, with many of the questions drafted in language that was addressed directly towards the Senior Council Officer. Several of these questions on notice directed to the Senior Council Officer were inappropriate, accusatory and/or antagonistic as they could reasonably be considered to be designed to cast aspersions on the integrity of the

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Senior Council Officer and imply/allude that the Senior Council Officer had not adequately and/or appropriately been performing their role, in publicly available Council meeting agendas. In doing so, Cr Meyer failed to take reasonable care that his acts did not adversely affect the health and safety of other members or employees of the Council. Cr Meyer thereby contravened section 75G(1)(a) of the Act, and thereby committed serious misbehaviour.

178. **Panel finding** — That Cr Meyer has committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(a) of the Act.
179. In the Panel’s letter of 20 June 2024, the Panel had indicated that in making this provisional finding the Panel noted that—
- The emails of 1 December 2023, 5 January 2024, and 2 February 2024 with the Questions on Notice submitted were sent after Cr Meyer had been alerted to the negative impact of his emails on the Senior Council Officer’s health and safety by Mayor Braund, as a responsible person under section 75G of the Act, and the heightened risk to the Senior Council Officer’s health and safety from further emails from Cr Meyer depending on the audience and content of the emails.
 - The emails to the Senior Council Officer contained questions for which answers could have been reasonably sourced from other means such as the Council website or the *Local Government Act 1999*.
 - Many of the questions were drafted in language that was addressed directly towards the Senior Council Officer. Several of these questions on notice directed to the Senior Council Officer were inappropriate, accusatory and/or antagonistic as they could reasonably be considered to be designed to cast aspersions on the integrity of the Senior Council Officer and imply/allude that the Senior Council Officer had not adequately and/or appropriately been performing their role, in publicly available Council meeting agendas.
 - By using the Question on Notice function to seek this information Cr Meyer was attempting to publicly air grievances and circumvent the reasonable directions in place to protect the Senior Council Officer’s health and safety.

Cr Meyer’s Responses to the Provisional Findings for Allegation 6:

Response dated 2 July 2024

180. Cr Meyer expressed “surprise” at the Panel’s findings that he had been found to have committed serious misbehaviour for Allegation 6.
181. Cr Meyer stated that he had referred his questions to four other council members, prior to submitting them.

Response dated 22 August 2024

182. Mr Raison on behalf of Cr Meyer referred to the particulars outlined in the Panel’s letter dated 16 February 2024 and argued that the “*vague and nonspecific language used within the particulars is indicative of the findings having no foundation*”.

183. He states that—

- *“Our client has made no accusations, antagonism or intimidation in any of the questions.”*
- *“Our client was not airing any grievances in the questions they asked and was only seeking information to perform his function as a councillor. There is no evidence about how [REDACTED] interpreted these questions or how they made them feel. The panel is simply engaging in speculation.”*
- *“For completeness, our client vehemently denies that he had any intention to cause adverse effects to the health of [REDACTED]; or that he did not take reasonable care to ensure same did not occur.”*

Provisional Orders

184. The Panel may, after inquiring into a complaint referred to it, take action in accordance with section 262W of the Act.

185. The Panel met on 17 April 2024 to consider appropriate actions to take in the circumstances.

186. Prior to determining its proposed actions, the Panel considered the following factors in relation to Cr Meyer’s breaches—

- the nature and seriousness of the misbehaviour;
- the circumstances in which the misbehaviour occurred;
- the period over which the misbehaviour occurred;
- the impact of the misbehaviour on any person(s) affected by the misbehaviour;
- the actual and potential consequences of the misbehaviour;
- whether the misbehaviour appeared to have been inadvertent, ill-informed or the result of naivety, carelessness or misunderstanding;
- whether the misbehaviour was acknowledged and if a commitment not to repeat the misbehaviour was made; and
- statements made by Cr Meyer in his correspondence with the Panel.

187. The Panel may, after inquiring into a complaint referred to the Panel, make one or more orders under section 262W of the Act. Following the inquiry into the six allegations above, the Panel determined to make the following provisional orders:

- Cr Meyer is to be suspended from the office of member of council for the period of one month without an allowance. This suspension is to be served within 6 months of the date of the Panel’s determination.

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- Cr Meyer is required to reimburse the Yorke Peninsula Council the amount of \$300. An agreement to pay the money must be in place with the Council within 6 months of the date of the Panel's determination.
- Cr Meyer is to be removed from the [REDACTED] Working Party for the entirety of the current term of the Council.

188. The Panel wrote to Cr Meyer and Mayor Braund on 20 June 2024 to advise them of the provisional findings and offer the opportunity to provide comments on the Panel's findings.

189. In this correspondence, the Panel acknowledged the gravity of the provisional orders, however, in all circumstances they are considered the proposed orders appropriate having regard to:

- The seriousness of the nature of the allegations
- The impact of the behaviour on the person involved.
- The impact of the behaviour on the Council.
- The importance of elected officials behaving in a way that promotes a safe work environment.

Mayor Braund's Response to the Provisional Orders

190. Mayor Braund, in his response, dated 26 June 2024, indicated his appreciation for the opportunity to comment on the Panel's provisional findings and orders. Mayor Braund raised concerns that *"a suspension for one month may create the perception that Cr Meyer's behaviour is not considered to be as serious as it actually is, in particular the staff who have witnessed the behaviour and other Elected Members who have expressed great concerns to me"*.

191. Mayor Braund requested that the Panel consider a longer suspension period to reinforce the seriousness of Cr Meyer's Behaviour (section 262W(1)(g) of the Act provides that the Panel may suspend a member from the office of member of the council for a period not exceeding 3 months).

Cr Meyer's Responses to the Provisional Orders

Response dated 2 July 2024

192. Cr Meyer stated that the *"financial penalties"* of one month's suspension without allowance together with the \$300 reimbursement to Council (for the costs of the inquiry) would amount to a *"penalty"* of \$1759.92.

193. Cr Meyer stated that the combined amount appears *"manifestly excessive"* and is more than the penalties for some criminal offences.

194. Cr Meyer also raised concerns that his employer may decide to withdraw his *"secondary employment approval"* as a result of the findings, which would result in further financial *"penalty"* to him of a loss of council member allowance for the remainder of the council term.

Response dated 22 August 2024

195. Mr Raison noted on behalf of Cr Meyer that the Panel had “*only considered and received the emails in relation to this matter*”. He stated that there has been no evidence provided to the Panel by any council members or employees as to the impact the alleged behaviour has had on them individually or the council.
196. He argues that there is “*also no evidence from ██████████ and it is entirely unclear as to how the panel has made an assessment as to the impact the alleged conduct has had on them*”.
197. He made the following submissions in relation to the factors that might be considered by the Panel when determining appropriate action, outlined in the Panel’s Practice Direction 5 (the words in bold are the factors that may be considered by the Panel (but are not limited to))—
1. **The nature and seriousness of the misbehaviour—**
“The conduct of allegation 1 is contained to a single email dated 25 July 2023. The conduct of allegation 6, is contained to 3 emails containing questions on notice, which were sent to ██████████ as required by Section 9 (1) of the Local Government (Procedures at Meeting) Regulations 2013. Furthermore, the questions were not required to be answered as per Section 9 (6) of the same regulations. The conduct of allegation 6, is contained to 3 emails containing questions on notice, which were sent to ██████████ as required by Section 9 (1) of the Local Government (Procedures at Meeting) Regulations 2013. Furthermore, the questions were not required to be answered as per Section 9 (6) of the same regulations. The level of seriousness unfortunately cannot be compared to any other matters dealt with by the Panel, given its short existence. However, noting that the Panel has not sought, or been provided with any version from ██████████ or Mayor Braund, it can only be assumed that this was not deemed necessary. We are therefore left to assume whether the alleged conduct had any effect on ██████████. We submit that there is no evidence that ██████████ was affected by the alleged conduct, and it falls on the lower end of seriousness.”
 2. **The circumstances in which the behaviour occurred—**
“The circumstances of the matter are contained to the emails only as the Panel determined not to obtain any other evidence.”
 3. **The period over which the misbehaviour occurred—**
“The period of alleged behaviour is contained to 4 emails send on the specific dates outlined.”
 4. **Evidence of any personal benefit from the misbehaviour—**
“Our client obtained no personal benefit.”
 5. **The impact of the council member’s behaviour on any person(s) affected by the misbehaviour—**
“There is no evidence of any impact on ██████████; Mayor Braund, or the council.”
 6. **The actual and potential consequences of the council member’s behaviour—**
“There is no evidence of any consequences of the conduct.”

7. **Whether the misbehaviour appears to have been inadvertent, ill-informed or the result of naivety, carelessness or misunderstanding—**

“Our client has in previous submissions to the Panel, explained that he has never had any intention to cause any adverse health affects to [REDACTED], or any other employee of the council.”

8. **Whether the council member has acknowledged their misbehaviour and made a commitment not to repeat the misbehaviour—**

“Cr Meyer denies that he has committed misbehaviour.”

9. **The significance if the consequences of the misbehaviour (from a public and/or council perspective)—**

“There has been no evidence of any consequences.”

10. **The extent to which the misbehaviour may be representative of a culture of common practice within the council which needs to be addressed—**

“This is not a matter that attracts any Public interest considerations. It involves alleged isolated incidents for which the consequences of same are entirely unknown and unclear. If the Panel did not deem it appropriate to take evidence from any person involved, it clearly did not determine it to be a matter in the public interest. The panel has the power to conduct inquiries and summons witnesses as required. The informed decision not to proceed in that manner for this matter is a clear indication as to the level of seriousness. It is then unclear as to how the Panel has reached a determination to impose a sanction on the higher end of the scale.”

11. **Whether action would be in the public interest—**

“There is no evidence from any council members or employees.”

198. Mr Raison on behalf of Cr Meyer *“...respectfully ask that the Panel review their assessment of the intended orders and consider the allegations are in fact on the lower end of seriousness. Our client has previously made submissions as to the significant impact the sanction will have on him personally.”*

Final Findings and Orders

Final Findings

199. In making its findings, the Panel carefully considered the information provided in the Complaint from Mayor Braund, which included email correspondence between Cr Meyer and the Senior Council Officer, and email correspondence between Mayor Braund and Cr Meyer (as mentioned previously).
200. The Panel also carefully considered the submissions from Cr Meyer and Mayor Braund.
201. The Panel considered that Cr Meyer’s responses to the allegations and the provisional findings did not persuade the Panel that Cr Meyer had not committed serious misbehaviour as defined under section 262E of the Act in relation to his actions on 25 July 2023 as detailed in Allegation 1, and his actions on 1 December 2023, 5 January 2024, and 2 February 2024 as detailed in Allegation 6.

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202. All of these actions occurred after Cr Meyer had been alerted by Mayor Braund, as a responsible person under section 75G of the Act, to the negative impact and risk of his actions on the Senior Council Officer's psychological health from two preceding group emails (sent by Cr Meyer on 3 June 2023 and 11 June 2023), that the Senior Council Officer had informed Mayor Braund were impacting on their mental health as they included statements from Cr Meyer that were calling the Senior Council Officer's integrity into question.
203. While the Panel did not find that Cr Meyer committed serious misbehaviour in relation to the emails of 3 June and 11 June 2023, the Panel did find that he committed serious misbehaviour in relation to the content of his email of 25 June 2023, as detailed in Allegation 1.
204. In addition to the points that were noted by the Panel in making its provisional findings, in its correspondence of 20 June 2024 (discussed earlier in this report), the Panel makes the following further comments.
205. The Panel is of the view that from the moment that Cr Meyer had received the notice from Mayor Braund (on 14 July 2024) pursuant to section 75G of the Act, that his behaviour was affecting the Senior Council Officer's psychological health by group emails that Cr Meyer had sent, and of Mayor Braund's intentions to issue reasonable directions to mitigate a heightened risk to the Senior Council Officer's health, Cr Meyer should have been even more mindful of his duty to take reasonable care that his actions did not adversely affect the Senior Council Officer's health and safety, and he failed to do so.
206. While the Panel did not receive evidence of any psychological injury to the Senior Council Officer for consideration, the Panel is satisfied from the information provided by Mayor Braund that the Senior Council Officer's psychological health was being impacted by Cr Meyer's behaviour.
207. The Panel is satisfied in Mayor Braund's assessment of the risk to the Senior Council Officer's psychological health, which caused Mayor Braund to take steps, as a responsible person under section 75G of the Act, to ensure that that the Senior Council Officer's psychological health did not continue to be adversely affected and consider issuing directions to protect them.
208. Cr Meyer should have modified his actions having been made aware of the risk to the Senior Council Officer's health and yet chose to send a further email to the Senior Council Officer (on 25 July 2023) that was inappropriate, accusatory and/or antagonistic, copying all other council members, as detailed in Allegation 1.
209. In relation to Cr Meyer's explanation of why he persisted to send a group email on 25 July 2023, after having received the Mayor Braund's notice of intention to issue directions, and the reference to a "Communication Protocol" from 2017 put in place by the Senior Council Officer, the Panel notes the following paragraph that was included in Mayor Braund's letter to Cr Meyer on 4 August 2023 when the Directions were issued:
- "██████████ emails from June 2017 which you have provided do not, in my view, demonstrate a reason to depart from my proposed directions. That email correspondence occurred at a time when, I understand, there was no risk posed to ██████████ health and safety by group emails sent by you. There is such a risk now, in my view."*
210. While the Panel did not find that Cr Meyer breached the reasonable directions under section 75G(1)(b), as detailed in Allegations 2 and 3, it is the Panel's opinion that Cr Meyer's actions in

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sending emails to the Mayor (but not directly to the Senior Council Officer) requesting the Mayor to “follow-up” with the Senior Council Officer about his requests for information, while continuing to copy in all the other council members, was against the intent of the reasonable directions and indicated that Cr Meyer may have been seeking to circumvent the directions.

211. The reasonable directions issued by Mayor Braund had specified that any comment, query or request to the Senior Council Officer should be addressed to the Senior Council Officer and copied to the Mayor, and must not be addressed or copied to anyone else (without the Mayor or the Senior Council Officer’s permission). The directions also stated that any complaint about the Senior Council Officer should be sent to the Mayor and not copy in anyone else.
212. These directions were prefaced that they were issued on the basis that Mayor Braund was of the view that there was a heightened risk that further emails from Cr Meyer may, depending upon the audience and content of the email, lead to adverse effects to the health and safety of the Senior Council Officer. This was so regardless of what Cr Meyer’s intention in any email may have been.
213. Cr Meyer then sought to direct questions and comments personally towards the Senior Council Officer through the questions on notice mechanism, which Cr Meyer knew would be included in the public Council meeting agenda and published on the Council website. While this also was not a breach of the reasonable directions issued by Mayor Braund, at that time, the Panel is of the view that this was against the intent of the reasonable directions and may have been another attempt by Cr Meyer to circumvent the directions.
214. Accordingly, the Panel is of the view that Cr Meyer’s behaviour, as detailed in Allegations 1 and 6, in the context of having been made aware of the impact of his actions on the Senior Council Officer’s psychological health and the further heightened risk to adversely affect the Senior Council Officer’s health, had failed in his duty to take reasonable care that his actions did not adversely affect the Senior Council Officer’s health and safety.
215. Cr Meyer’s actions as detailed in Allegation 6 resulted in Mayor Braund issuing a further notice to Cr Meyer, on 1 February 2024, of his intention to issue further reasonable directions pursuant to section 75G(1)(b) of the Act, with instructions to Cr Meyer on the manner and method of submitting questions on notice in order to protect the health and safety of the Senior Council Officer.

Final Orders

216. The Panel orders that—

- Cr Adam Meyer is to be suspended from the office of member of council for the period of one month without an allowance pursuant to section 262W(1)(g) of the Act. The period of this suspension will be from Friday 10 January 2025 to Monday 10 February 2025 inclusive.
- Cr Adam Meyer is required to reimburse the Yorke Peninsula Council the specified amount of \$300, as a proportion of reimbursement of the costs to the Council in relation to dealing with these complaints by close of business Thursday 6 February 2025 pursuant to section 262W(1)(e) of the Act).

- Cr Adam Meyer is to be removed from the [REDACTED] Working Party, as soon as practicable, a position that Cr Meyer holds as a member of the council or by virtue of being a member of the council, for the entirety of the current term of the Council (pursuant to section 262W(1)(f) of the Act).

217. The Panel is of the opinion that the orders to apply to Cr Meyer are reasonable and proportionate to this serious misbehaviour for the following reasons—

- Cr Meyer's serious misbehaviour was not a one-off incident; he engaged in multiple incidents of serious misbehaviour.
- Cr Meyer continued his actions after being made aware of the negative impact on, and the heightened risk to, the Senior Council Officer's psychological health that his behaviour posed on the Senior Council Officer, a council employee.
- Cr Meyer was subsequently issued with reasonable directions and yet continued to behave in manner that did not take reasonable care that his actions did not adversely affect the health and safety of a council employee.
- Cr Meyer in copying all other council members into his emails and questions on notice to the Senior Council Officer, and his continuing practice of doing so, are factors that in the Panel's view increases the seriousness of the behaviour.
- Cr Meyer has not demonstrated any awareness of the adverse impact of his behaviour and has not shown any contrition or remorse for its effects. In particular, the Panel notes that Cr Meyer made no acknowledgments or provided any apology for his behaviour. In these circumstances, the Panel considers that there is a greater need for personal deterrence.
- Further, Cr Meyer's inappropriate, accusatory and/or antagonistic statements, which were copied to all the council members, called into question the integrity and performance of the Senior Council Officer, and had the potential to impact the views of other council members about the Senior Council Officer and to undermine the Senior Council Officer before both Council members and Council staff.

218. While the Panel acknowledges the financial impact of the loss of allowance with the one month suspension, and the possibility that Cr Meyer's employer may withdraw their secondary employment approval for Cr Meyer to continue in his role as council member resulting in potentially further financial impact, the Panel considers that, because of the seriousness of Cr Meyer's behaviour, the fact that Cr Meyer continues to lack awareness about his serious misbehaviour and failed to modify his behaviour, and the potential deterrent effect of the orders on Cr Meyer's future behaviour, the orders as a whole are reasonable and proportionate.

Final comments from the Panel

219. The public expects local government bodies to operate in a way that efficiently and effectively promotes the best interests of the community. The public expects that the people elected to local government will conduct themselves in a courteous and professional manner. Council members that do not meet these standards can cause harm to fellow members, council staff, and members of the public, and cause reputational damage to both their council and local government more broadly and has resource implications.

220. Council members are entitled to ask questions and request documents in accordance with the Act to ensure that they have the information that is necessary for them to properly undertake their duties; and the council administration have an obligation to provide such information in accordance with the Act but should not be subject to behaviour that risk their health and safety.
221. Council members should be mindful of the manner in which these requests are made and ensure that their acts or omissions do not adversely affect the health and safety of others. Council members should request information in a respectful manner and be aware that their requests and the way they behave can affect the health and safety of others.
222. The Panel considers that it is of utmost importance that if a council member is made aware that their behaviour gives rise to a risk to the health and safety of other council members or employees, they must change this behaviour.
223. A failure to comply with these health and safety duties is defined as “serious misbehaviour” under section 262E of the Act.
224. It is the Panel’s view that this indicates that Parliament intended breaches of section 75G to be viewed as objectively more serious than other breaches and therefore the disciplinary actions for these breaches could be expected to be more severe. The consequences of a breach of section 75G could be severe in that the breach could be directly related to a person sustaining a serious injury or illness.
225. Council members ought to be deterred from engaging in behaviour that improperly targets individuals who work for or serve on councils in order to ensure that council workplaces are safe environments for everyone.
226. The Panel seeks to remind the sector that reasonable directions issued by responsible persons under section 75G of the Act are not about a finding of wrongdoing by the council member who is the subject of those directions. Reasonable directions are issued for the purpose of protecting and mitigating risks to the health and safety of other council members and employees.
227. If a council member has been issued with reasonable directions by a responsible person under section 75G of the Act, they must comply with these directions; not doing so is “serious misbehaviour” under the Act.
228. Positive relationship building between elected council members and the council administration is of paramount importance to good governance and delivery of democracy. The Panel considers that behaviour that puts these relationships at risk should be identified and rectified as soon as possible.