

CONFIDENTIAL ITEMS 2003 – AUGUST 2025

| #   | Date           | Item Title       | Confidential Order Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Item being kept confidential - Agenda/ Attachment/ Minutes | Reason regarding retention or recommend-action to release                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Resolution Regarding Action                                                                                                  | Last Review Date | Next Review Date | Date Released                                    |
|-----|----------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|--------------------------------------------------|
| 294 | 7 October 2025 | Personal Affairs | <p>1. <u>Pursuant to Section 90(3)(a)</u><br/>Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Acting General Manager Strategy, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential Item: Personal Affairs.</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of what may prematurely be disclosed before the matter has been concluded.</p> <p><u>Section 91(7) Order</u><br/><u>Pursuant to Section 91(7)</u></p> <p>4. That having considered Agenda Item 18.1 Confidential Report: Personal Affairs in confidence under 90(2) and 90(3)(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the confidential council agenda item, attachment 2 and the minutes be retained in confidence and that this order be reviewed every 12 months.</p> | Agenda item, attachment 2 and the minutes                  | <p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of what may prematurely be disclosed before the matter has been concluded.</p> | Council agenda item, attachment 2 and the minutes be retained in confidence and that this order be reviewed every 12 months. |                  | Within 12 months | Attachment 1 released on website 14 October 2025 |

## Confidential Report to Mount Barker District Council – referral resolution OM20250811.04

1. Pursuant to a confidential Council resolution OM20250811.04 carried on 11 August 2025, I was appointed as the person responsible to manage the complaint made by Cr Rebecca Hewett alleging breaches by Cr Samantha Jones (the Council's Deputy Mayor) of the Behavioural Standards for Council Members.
2. On 18 August 2025 I was provided with a copy of the formal complaint which had been received by the CEO in which Cr Hewett alleged that in an email dated 24 January 2025 to all elected members and staff, Cr Jones had behaved inappropriately citing several reasons why the email of 24 January 2025 evidenced in her opinion several breaches of the Behavioural Standards in the text of the email. I note here that Cr Jones subsequently twice apologised in emails to Cr Hewett for the tenor of the original email of 24 January.
3. I was also provided by the Council's Governance team (at my request) with several emails exchanged between Cr Hewett and Cr Jones and the administration. These emails reflected on the complaint and referenced the prior and subsequent developments, and I also had access to the recorded Council meetings on 20 January 2025 and 3 February 2025.
4. Subsequently I met privately with Cr Hewett, and as a result of that first meeting I asked her to provide me with what she regarded as additional relevant contextual background material. I did subsequently receive that requested material on a confidential basis.
5. Meanwhile I communicated with Cr Jones to whom I provided the confidential formal complaint, and I advised her that I had met Cr Hewett and had asked Cr Hewett to provide me on a confidential basis what she regarded as relevant contextual background material.
6. I then sought legal advice from Council's legal advisor regarding the essence of the complaint (including the additional contextual background material as provided) which I had been engaged to assess pursuant to the Council's Member Behavioural Management Policy.
7. That legal advice clearly stated that the essence of the complaint to be assessed pursuant to Clause 6.5.2 was limited to the formal complaint as lodged regarding the content of the email of 24 January 2025 which in effect was Cr Jones expressing a personal opinion about the subject matters detailed in the email, and that the additional contextual material as provided by Cr Hewett was not relevant to that assessment.
8. Accordingly, I so advised Cr Hewett at a subsequent meeting regarding the legal advice, and following that meeting I also so advised Cr Jones at a personal meeting.
9. Taking all relevant material into account I then determined under Clause 6.5.2 of the Policy that while Cr Hewett certainly had a sufficient interest in the matter, and that the concerns expressed in the complaint were genuinely held by Cr Hewett, but in my opinion the essence of the email sent by Cr Jones did not breach any "*behavioural requirement*" as asserted.
10. Accordingly, I informed both Councillors of my opinion, and that it was not necessary in my finding for Council to proceed to any further investigation of the complaint, and I requested that both Councillors meet with me so that I could address both of them at one time regarding my finding to enable there to be closure between them.
11. That meeting occurred on 15 September 2025 at the office of the Council's Acting CEO, with Cr Jones in person and Cr Hewett by telco (Cr Hewett was unable to attend in person due to a last minute change of her personal circumstances) and at which time Cr Jones again apologised to Cr Hewett for the tenor of her original email dated 24 January. I trust that both Councillors will continue informal conciliation dialogue to address their differences of opinion.
12. That concludes my assessment which is that no further action is required by the Council. I have not included any confidential material in this report, and I believe it would be appropriate to inform all members of Council of my assessment.

Edward M Byrt LLB.  
Byrt Corporate Advisory.  
16 September 2025.