



MEDIA RELEASE | WEDDIN SHIRE COUNCIL

BREACH OF CODE OF CONDUCT BY COUNCILLOR

At the Ordinary Council Meeting of 15 August 2024, Weddin Shire Council considered a Final Investigation Report of a Code of Conduct Complaint and breaches by Councillor Michelle Cook.

The outcome of the report considered, saw Council officially and formally censuring Cr Michelle Cook in relation to the breach of Code of Conduct relating to the lodgement of two (2) Councillor Expense Claim Forms.

Councils can formally censure Councillors for misconduct under section 440G of the *Local Government Act 1993*.

All complaints must be dutifully investigated and managed in accordance with the Procedures for the administration of the Code of Conduct. This is the same requirement for all NSW Councils.

Accordingly, Council appointed an independent investigator.

The Procedures for the administration of the Code of Conduct prevents disclosure of the details of Code of Conduct matters. In accordance with the resolution the matter will be referred to the Office of Local Government for further action. A copy of the resolution is below for further information.

Council resolved:

RESOLUTION 191/24

Moved: Cr Kenah

Seconded: Cr Howell

THAT COUNCIL -

1. Note and consider Cr Cook's submission in relation to the final investigation report.
2. Under Section 440G of the *Local Government Act 1993* and under the provisions of 7.37c, 7.46, 7.58c and 7.59 of the Procedures for the Administration of the Model Code of Conduct, officially and formally censure Councillor Michelle Cook for conduct in relation to the lodgement of two (2) Councillor Expense Claim Forms, the first being on 13 January 2023 and the second on 25 September 2023, seeking the reimbursement of legal fees, which were found to be in contravention of the following clauses of the Code of Conduct, as determined by an independent investigator:



Part 3, General Conduct Obligations

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute
- b) is contrary to statutory requirements or the council's administrative requirements or policies
- c) is improper or unethical
- d) is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

The independent investigator found that the Councillor Expense Claim forms were lodged by Councillor Cook, and Councillor Cook made demands for the payment of her legal fees with the threat of taking legal action against Council, despite:

- i. not having obtained a Council resolution prior to the said legal fees being incurred in accordance with section 8 of Councils Councillor Expenses and Facilities Policy;
- ii. having been previously advised that the process pursuant to Councils Councillor Expenses and Facilities Policy had not been followed; and
- iii. some of the amounts quoted for reimbursement being purported to be for legal costs incurred with respect to a Code of Conduct Complaint yet were incurred apparently for other matters.

The independent investigator found that Councillor Cook's actions were overbearing, threatening, misleading and deceptive in light of her insistent demands and forceful and misleading approaches to the General Manager and the Mayor regarding recovery of her legal fees.

3. Refer the matter to the Office of Local Government for further action under the misconduct provisions of the *Local Government Act 1993*.
4. A media release be issued by the Mayor advising of the official and formal censure of Councillor Michelle Cook in accordance with the above censure resolution and that the matter has been referred to the Office of Local Government for further action under the misconduct provisions of the *Local Government Act 1993*.

CARRIED

DIVISION required under the *Local Government Act 1993*/called by Cr Best

FOR: Crs Bembrick, Best, Kenah, Howell, McKellar and Frame

AGAINST: Cr Diprose

Media Release issued by the Mayor, Cr Craig Bembrick 15 August 2024

-END-