



COOMALIE COMMUNITY GOVERNMENT COUNCIL INVESTIGATION REPORT

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For: Department of Housing, Local Government and Community Development

REVISION HISTORY

Version	Date	Details
0.1	17/10/2024	Initial version with workings and notes
0.2	17/01/2025	Draft version for LGU consideration and review
0.3	27/02/2025	Incorporating minor typographical edits and completing appendices

ACRONYMS AND DEFINITIONS

Acronym	Details
Act	Local Government Act 2019
CCGC	Coomalie Community Government Council
CEO	Chief Executive Officer
DHLGCD	Department of Housing, Local Government and Community Development
Elected member	Refers to a member of the Coomalie Community Government Council in accordance with the provisions of Act
General Regs	Local Government (General) Regulations 2021
ICAC	Independent Commissioner Against Corruption
LG	Local Government
LGU	Local Government Unit, Department of Housing, Local Government and Community Development (previously Prime Minister and Cabinet)

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SUMMARY OF FINDINGS

For ease of reference, “the council” refers to the elected members acting as the council during the period 1 January 2022 to 30 June 2024. All titles, for example, President and Deputy President, refer to the elected members assigned these roles during the period in question.

The investigation uncovered systemic issues that hindered the council's effectiveness and showed elected members' failure to meet their responsibilities under the Act, especially section 44 and Schedule 1 (Code of Conduct). Conflicting leadership styles and poorly managed internal disputes led to inappropriate behaviours, disrupted operations, hindered decisions, and damaged the council's public image.

Inter-personal conflict

Council meeting minutes and recordings from 1 January 2022 to 30 June 2024¹ reveal increasing conflict likely to damage the council's reputation. The conflicts appeared to stem from misunderstandings of the Act and council meeting procedures. Both the chair and elected members consistently misapplied or selectively applied meeting procedures, especially "Point of Order" provisions, leading to disorganized meetings and minutes that did not reflect the understanding of the President. This misunderstanding fueled conflict both within the elected members and between the President and the CEO.

The audio recordings of council meetings (see Appendix suggested that debate within the chambers was not conducted in a civil and constructive manner resulting in an escalation of tensions within the meeting and debate being suppressed. The President as well as other members of the council, frequently exhibited behaviour within the meetings that were not consistent with the Code of Conduct and did not foster efficient or transparent decision making.

CEO performance review

The CEO performance review was undertaken with minimal involvement from the other elected members. The ongoing personal conflict, particularly between the President and the CEO, resulted in an erosion of trust and a combative and adversarial relationship. This

¹ The meeting audio recordings were destroyed in November 2024 and thus these cannot be included within the report.

conflict negatively impacted the CEO performance review process which itself, exhibited fundamental procedural errors by both the President and the appointed consultant.

In the CEO performance review process the absence of elected member involvement led to perceptions among other elected members of a lack of transparency and potential bias against the CEO.

The President's unwillingness to constructively respond to questions from elected members, as well as her apparent unwillingness to address concerns raised during the review process, led to further entrenchment in her positions. This behaviour escalated pre-existing conflict within the elected members and precipitated retaliatory actions by elected members such as boycotting meetings.

The President's ongoing public criticism of the CEO and council staff evidenced by audio recordings of council meetings, was a direct contravention of the Act and eroded the trust and confidence of the residents and ratepayers.

Ongoing behaviours

Whilst outside the scope of this report, the behaviour of some elected members (Sharon Beswick and Stephen Noble) during their suspension is in direct violation of the code of conduct and suggests that they are unable to fully understand their responsibilities as elected members. The persistence of this behavior and the individuals' inability to see its consequences suggest they are not fit to hold public office. (See section on recommended actions below).

Conclusion

With some notable exceptions, most of the issues within the council were of a minor nature, with no evidence of serious systemic conduct that would trigger criminal findings. However, the behaviour of the elected members and their inability to function in the best interests of their community, is in contravention of the code of conduct and the obligations contained therein.

[REDACTED]

The ongoing public campaign by Sharon Beswick and Stephen Noble to discredit and disparage the activities of the council and the official manager, following the suspension of the elected members, demonstrates an ongoing disregard for and lack of compliance with the ongoing responsibilities under the Code of Conduct [REDACTED]

Summary of recommendations

The following recommendations should be considered within the context of reinstatement of the existing council:

Recommendation (1) The Act, Regulations or Guidelines are amended to incorporate tighter rules and clearer definitions about conflict of interest and increased penalties for breaches of these provisions.

Recommendation (2) The elected members undertake additional training to ensure that they understand their role and the limits of their decision-making authority specifically as it applies to decisions made outside of the council meeting context.

Recommendation (3) Additional training is undertaken by the elected member and CEO that supports the development of leadership skills and capability.

Recommendation (4) Modifications to the Act to allow tougher penalties for serious breaches of the Act including code of conduct breaches that include suspensions for elected members who are guilty of serious breaches of the Act, and bans from local government elected office for anyone with multiple suspensions.

² Specifically, section 10(2)(c) subitems (ii), (iii), (v) and (iv) and section 12 and 13

Recommendation (5) Increased powers for the Minister to appoint inspectors to investigate and oversee complaints including code of conduct complaints (to replace LGANT)

Recommendation (6) Modifications to the Act to allow tougher penalties for serious breaches of the Act including code of conduct breaches that include suspensions for elected members who are guilty of serious breaches of the Act, and disqualification for election to local government elected office for anyone with multiple suspensions.

Recommendation (7) Additional training is provided to elected members to ensure that they understand their roles and responsibilities specifically as applied to procurement activities and operational matters.

Recommendation (8) Training is provided for elected members to ensure that they understand council meeting procedures and expected behaviour.

Recommendation (9) Training is provided to the President (and Deputy President) on chairing effective meetings.

Recommendation (10) Governance materials or guidance is developed for council CEO's and governance staff to improve the quality of council agendas and briefing papers.

Recommendation (11) Mandatory recording of council meetings with specified retention period.

Recommendation (12) Elected members are provided with additional training in the process for the management of procedural matters, such as council minutes, within the council agenda.

Recommendation (13) Improved guidance is provided to elected members on the CEO performance management processes including clear advice on processes for elected member involvement and full council oversight of the process. This guidance should provide model resolutions. Other guidance to include:

- a) Full council oversight of the contractual arrangements, deliberation and resolution process was needed.
- b) Requirement to obtain independent professional advice for performance management.

- c) Advice about record keeping.
- d) Training for elected members on CEO recruitment and performance management.
- e) Consideration should be given to ensuring that the sourcing of independent advice is mandatory for the CEO recruitment and performance management process and that this advice is provided by reputable individuals with experience and understanding of the obligations of the Act.

Recommendation (14) Review criteria for eligibility for becoming an elected member and specifically prohibit the appointment of members through direct appointment where clear conflicts of interest exist.

BACKGROUND

On the 22 July 2024, the Minister for Local Government placed the Coomalie Community Government Council (Council) under official management as the Minister considered there are or there may be serious deficiencies in the conduct of the Council's affairs.

In accordance with the Gazette notice S69, the Minister appointed Cathryn Hutton to investigate the conduct of the suspended members and the affairs and financial position of the Council.

ENGAGEMENT AND DELIVERABLES

This report covers activities in accordance with the *Department of The Chief Minister and Cabinet, Coomalie Community Government Council, Investigator Terms of Reference (1)* in relation to Gazette Notice s69 dated 22 July 2024.

In particular:

- Undertake investigation into the conduct of the suspended members and the affairs and financial position of the Coomalie Community Government Council as directed by the terms of reference document.
- Prepare a written Investigators Report that considers Items 1–5 of the Terms of Reference.
- Product a first draft of the Investigator's Report by **17 January 2024**.
- Comply with timelines associated with revision of the report to ensure that the final Investigator's Report is available to be submitted by the Investigator to the Minister for Local Government by **14 March 2025**.
- Provide any recommended action(s) that are achievable under the Act to address any findings in the report and prioritise those actions.

TERMS OF REFERENCE

The following are the terms of reference for the investigation:

The Investigator is directed to conduct an investigation into the following matters in relation to the Council between 1 January 2022 and 30 June 2024:

1. Establish if elected members understood their roles and responsibilities under the Act. In this regard, the Investigator is to specifically report on whether:
 - a) members' understood their roles and responsibilities as specifically required under the Act, including the role of the President;
 - b) members properly declared and managed conflicts of interest; and basis of any concerns by any member regarding non-disclosure of any such conflicts by other fellow members;
 - c) members considered the performance of the Chief Executive Officer (CEO) at council meetings was as per the CEO's roles and responsibilities under the Act; and
 - d) members had a clear understanding of council's quotation and tender process, in particular the grounds of any conflict or concerns regarding the selection of successful contractors by the CEO, and the legitimacy of any such concerns under the Act.
2. Establish if there were any deficiencies in the administration and proceedings of ordinary council meetings (including special meetings). In this regard, the Investigator is to specifically report on whether or not, and reasons for whether:
 - a) elected members considered that in all instances when chairing a meeting, the president, acting president, deputy president, or a member chosen by resolution at a meeting, was able to properly chair and conduct the meeting including, but not limited to:
 - i. leading robust and informed discussions;
 - ii. encouraging proper consideration and debate of agenda items;
 - iii. ensuring elected members were provided equal opportunity to express their views and opinions; and
 - iv. the making of proper resolutions.
 - b) the content and availability of agendas and related reports was appropriate and they were provided in sufficient time and contained sufficient information for members to be able to discuss and make informed decisions at the meeting;
 - c) there was a clear understanding by members of the process of compiling council's meeting agenda and related business papers (the report is to include grounds of any misunderstandings);
 - d) whether elected members considered they were provided with adequate information

- by the Council's Chief Executive Officer at Council meetings to take well informed, decisive action in relation to Council's business, and if not, why not; and
- e) the cause(s) of any disagreement amongst the elected members in approval of the minutes of council meetings.
3. Establish if the Council managed its Chief Executive Officer (CEO) appropriately under the Act. In this regard, the investigator is to specifically report on:
 - a. any identified deficiencies of the CEO performance review process; and
 - b. whether there was a clear understanding by members of the process of managing complaints made against the CEO
 4. Establish if there was any interference with council operations by elected members, including members directing council staff.
 5. Review and report on any other areas of concern identified by the official manager, or as directed by the Executive Director or Director Sustainability and Compliance of the Local Government Unit of the Department of the Chief Minister and Cabinet.

METHODOLOGY

The investigation was conducted using the source materials provided by the council administration, the LGU, as well as access to a range of background emails and meeting audio files. The material referenced during the investigation is listed in Appendix 2.

While attempts were made to access the source material, notably emails sent and received by the elected members from their council email addresses, these mailboxes were unable to be accessed. Thus, while the investigation has referred to correspondence of a general nature and seen by the CEO and or members of the LGU, correspondence between elected members was not available. While it was common practice to email formal council correspondence through council emails, many emails were made available (via indirect means) from personal emails.

Interviews were conducted with relevant individuals and the details of the interviews are contained in Appendix 3.

All source material as well as interview transcripts are contained within the ZIP file provided to support this report. Please note that audio files pertaining to the period in question were available at the commencement of the investigation but were subsequently deleted and thus do not form part of the source material supporting the investigation.

FINDINGS

Terms of Reference Item 1: Elected members' understanding of their roles and responsibilities

The investigation identified multiple occasions where the elected members demonstrated behaviour contrary to their roles and responsibilities under the Act.

Conflict of Interest (S114)

The Act clearly identifies that it is the members' responsibility to declare a conflict of interest. It further notes that the declaration of a conflict of interest can't be imposed upon the member. However, the Act is also clear in the penalties applied regarding the failure to declare a conflict of interest.

Findings:

1. Elected members Sharon Beswick and Stephen Noble did not appropriately declare a conflict of interest in relation to the review of the planning arrangements with regards to the toilet block and Myrtle Park redevelopment in Adelaide River. Furthermore, the elected members did not absent themselves from discussion of the agenda item. [REDACTED]

No conflict of interest is registered in the conflict-of-interest register (CCGC50), no conflict of interest is registered against item 17.2 which relates to this item. Although previous declarations had been made (see 18/01/2022 Items 17.1 and 17.2 Review of Confidential Action items) viewed to provide personal benefit.

Recommendation (1) The Act, Regulations or Guidelines are amended to incorporate tighter rules and clearer definitions about conflict of interest and increased penalties for breaches of these provisions.

Reason for finding:

- The toilet block and path are adjacent to the shop owned and operated by the elected member Sharon Beswick and employing elected member Stephen Noble. The toilet block includes a concrete walkway directly to the shop. The bus service stops at the toilet and is serviced by the shop. Improvements to the toilet block and park could be seen to provide direct financial benefit to the shop.

2. The elected member, Sharon Beswick, did not appropriately declare a conflict of interest in relation to the matter relating to the application for the hiring of a council bus for 'community shopping'. Sharon Beswick did not remove herself from discussion of the matter and actively participated in persecution of an outcome that could potentially benefit (or negatively impact) the member.

Reasons for finding:

- The elected member Sharon Beswick owns the Batchelor General Store and Post Office, and this may be potentially impacted by the decision – note this was identified in the document sent to Acting CEO CCGC023 by Sharon Beswick that states “bus will of impact on the... Batchelor general store and Post Office”. While clearly identifying the potential impact on her store, at no point during the discussion the item was this interest declared despite prompting by other elected members.
- In a text message sent by Sharon Beswick to the applicant of the bus hire, Sharon Beswick clearly identified a personal interest in the matter.

Decision making authority under the Act

Finding:

The elected members did not appear to understand limits to their decision-making authority. Specifically, they are unable to make (or enforce) decisions outside the formal council meeting. It should be noted that, in this respect, some council staff share a similar misunderstanding.

Recommendation (2) The elected members undertake additional training to ensure that they understand their role and the limits of their decision-making authority specifically as it applies to decisions made outside of the council meeting context.

Reasons for findings:

There is ongoing evidence from interviews and email documentation that the councillors made decisions and provided direct guidance to council governance staff outside of the formal council meeting structure.

The special meeting held on the 7 July 2024 included the agenda item 5.2 which was to consider additional information relating to the bus hire. Whilst considerable discussion was held relating to the appropriateness of this hire, no formal resolution was made to suspend

the hire. Subsequent emails between the Acting CEO and the individual councillors asked for direction in relation to the future action³. Councillors responded to the request as if it were a council resolution and as if they had decision-making powers outside of the council meeting. It should be noted that the correspondence with the applicant following the special council meeting advising that the council has cancelled the bus hire is technically incorrect as no resolution was made and this matter was not dealt appropriately under the provisions of Special Council meetings (see CCGC047)

Represent the interest of all residents and ratepayers (s44)

Finding:

Audio recordings of council meetings over the period, indicate that the council's voting process revealed deep divisions among its members. Often, issues that should have been discussed objectively were split along in voting blocs associated with internal alliances. This suggests the presence of strong factions within the Council that influence decision-making.

Voting patterns for several decisions appeared to be driven by a desire to frustrate and oppose other elected members rather than the outcome of careful consideration.

Reason for finding:

- Boycotting of November 2023 meeting (see (CCGC046)) by three members resulting in suspension of the meeting for 30 minutes.
- Boycotting of the January 2024 meeting by three members resulting in the failure of that meeting due to lack of quorum.
- Voting within the meeting 20 February 2024 is illustrative of "block voting" with straight forward procedural motions, such as the acceptance of the agenda, receiving and noting the president's report, etc., being voted against with the apparent deliberate intention to frustrate the meeting. It is noted that the reports in the February 2024 meeting that originated from the administration (for example the CEO's report and the finance reports) were moved with appropriate discussion and deliberation.

³ In this instance, the correspondence is not considered directing staff under S44(2) as the correspondence was between the elected members and the Action CEO.

Provide leadership and guidance (s44)

Finding:

The behaviour of the council degenerated significantly over the period investigated. During this period the council, and particularly the President (Sharon Beswick) and the Deputy President (Colin Freeman), did not work cooperatively to resolve issues.

This leadership failure resulted in:

- Deterioration of trust in the processes of council
- Suppression of robust debate within council
- Formation of block voting patterns which show that decisions were not made specifically in the best interests of the residents and ratepayers.

The elected members including the President have been offered extensive remediation and training activities as well as support of the LGU, over the period. The training and support did not appear to resolve existing tensions within the council over the long term. Training included sessions relating to the roles and responsibilities of council, as well as a session on Understanding Local Government, AICD training on duties and responsibilities of Not for Profit boards amongst others (Appendix 4). Two statutory declarations were received indicating that behaviour improved at the council meetings following the remediation in June 2024. Additional training and support will be required to cement any improvement in the behaviour of the council's elected members.

Recommendation (3) Additional training is undertaken by the elected member and CEO that supports the development of leadership skills and capability.

Reasons for findings:

- The number of Code of Conduct complaints made to LGANT during this period, particularly involving the President, Sharon Beswick, and Councillors Colin Freeman and Susan Bulmer, indicate an inability of the council to resolve internal conflict.
- Audio recordings of meetings particularly October 2023, November 2023 and February 2024 show a failure by the Chair (Sharon Beswick) to control the meeting and facilitate open debate.

- Emails between Sharon Beswick and other councillors⁴ were often inflammatory and did not exhibit behaviours consistent with the expectations of a position of authority and influence.

Council acts honestly, efficiently and appropriately in carrying our statutory obligations (s44)

Finding:

There is evidence of behaviours within the Council meetings that frustrate the efficient operations of the council including block voting patterns, failure to vote on administrative items and suppression of discussion.

It is noted that operationally the council is performing well with strong financial management and the achievement of key operational initiatives, however, this has been frustrated by the activities of the elected members.

While no evidence was found to indicate that the council deliberately misled the residents and ratepayers, evidence indicates that statements made by individual elected members were made during council meetings and in public forums which were untrue and unfounded and where errors were identified, no formal corrections were made.

Reason for finding:

- Frustration of meeting processes: During the meeting of the 21 November 2023 (CCGC046) three elected members including Colin Freeman, left the meeting (that resulted in a lack of quorum). The meeting was adjourned for 30 minutes. Audio recordings of the members indicated that they were aware of the impact of their behaviour, and that the action was deliberate. The members did return to the meeting and the meeting was conducted in accordance with the agenda.
- The council meeting of 22 January 2024 failed due to a lack of quorum. This meeting included an agenda item associated with the CEO's performance review and was to occur immediately after the meeting to discuss the CEO's performance. Elected members attended the performance review meeting and thus their failure to attend the council meeting can be viewed as deliberate.

⁴ Noting that emails from elected members email accounts themselves were unavailable and thus only emails received by the CEO, LGU or provided directly to the investigator have been considered.

- The council meeting of the 20 February 2024 is illustrative of “block voting” with straight forward procedural motions, such as the receiving and noting the president’s report, etc., being voted against with the apparent deliberate intention to frustrate the meeting. It is noted that the reports in the February 2024 meeting that originated from the administration (for example the CEO’s report and the finance reports) were moved with appropriate discussion and deliberation.

Act, at all times, in what the member genuinely believes to be the best interests of the council's constituency.

Finding:

Although there are indications that behaviour was, at times, contrary to the best interests of the council’s constituency, the investigator cannot form an opinion regarding the members’ belief.

Reason for finding:

- On going public displays of disunity and conflict are not in the best interests of the community and undermine the confidence of the community in the council. (See CCGC047 and reports of conversations by Sharon Beswick and Stephen Noble.)
- Sharon Beswick’s sponsorship and support of an alternative market on the day of the Rosella Festival and active frustration of the Rosella Festival Committee’s activities can be seen as contrary to the best interests of the community (CCGC003).

In the following section the specific roles and responsibilities of the principal member and deputy or acting principal member as outlined in Section 59 of the Act were considered:

To promote behaviour among the members of the council that meets the standards set out in the code of conduct (S59(d))

Finding:

Neither the President (Sharon Beswick) nor the Deputy President (Colin Freeman) member fully understood their specific roles and responsibilities, and particularly the limitations of their position. Audio recordings of the meetings, and interviews, suggest that Sharon Beswick did not promote behaviour in accordance with the Act and that she also fails to demonstrate said behaviour herself.

Audio recordings of meetings during this period indicate that Sharon Beswick, Colin Freeman and Stephen Noble did not conduct themselves in accordance with the Code of Conduct. Although specific complaints were raised within the prescribed body (in accordance with the Act), the failure of these remedies to instill meaningful change within the council's overall behaviour suggests an ineffective complaint process.

Recommendation (4) Modifications to the Act to allow tougher penalties for serious breaches of the Act including code of conduct breaches that include suspensions for elected members who are guilty of serious breaches of the Act, and bans from local government elected office for anyone with multiple suspensions.

Recommendation (5) Increased powers for the Minister to appoint inspectors to investigate and oversee complaints including code of conduct complaints (to replace LGANT)

President (Sharon Beswick)

The audio of the meetings indicated that the President frequently interrupted and shut-down discussions. On occasions she displayed a dismissive attitude toward other councillors' ideas or contributions. In addition, the President frequently targeted specific councillors and often made inappropriate personal comments. These instances clearly exasperated existing conflict within the council and further deteriorated public opinion.

This was also apparent in the President's reports, which included remarks concerning specific members, potentially intensifying personal conflicts within the Council.

Recommendation (6) Modifications to the Act to allow tougher penalties for serious breaches of the Act including code of conduct breaches that include suspensions for elected members who are guilty of serious breaches of the Act, and disqualification for election to local government elected office for anyone with multiple suspensions.

Reason for finding:

- Council meetings procedures were being inappropriately applied including:
 - The misunderstanding of the application of the "point of order" and procedures relating to the management of points of order within the chamber
 - The misapplication of the 'calling the meeting to order' and the procedures relating to the management of this process

- The use of the ‘calling the meeting to order’ to suppress discussion. While ‘calling the meeting to order’ can be used to restore decorum in a meeting, the way this was applied within the meeting indicates an intention to frustrate open debate. The meeting of the Feb 2024 is illustrative of this issue.
- Suppression of open debate and management of dissent
- Personal and targeted comments made against individual elected members and staff members.
- Domination of meetings where the President’s opinion was not being supported. For example, in the October 2023 council meeting, the President talked for approximately 40 minutes regarding changes to community grant policy (item 10.1). This amounted to verbal bulldozing of the meeting. The President, in this instance, enforced 3–minute time limit with other elected members and used the Chairs’ privilege to rebut every contrary opinion⁵. This tendency was also evident in the discussion of item 10.3 in which the President talked extensively on the item (for more than 10 minutes) outlining her opinion on an item while effectively ignoring any contrary opinion. Similar reports of the President’s domination of the meeting related to the August 2023 agenda briefing, and the CEO performance review discussion.

Deputy Principal Member (Colin Freeman)

- Cr Freeman was appointed by vote of council to the position of deputy president. Under the conditions of the Act, the deputy provides support to the principal member and carry out any of the principal member's functions when the function is delegated, or where the principal member is absent from official duties because of illness or for some other reason. Evidence suggests Colin Freeman became very active in the council, particularly in relation to what he perceived, unfair treatment of the CEO and attempted to use his position as the deputy president to influence the relationship. While this does demonstrate a design to undertake a function that is not within the prevue of the role, no evidence is available to suggest that he acted outside his authority. No formal delegations were given, and none were exercised.
- Colin Freeman’s use of the term “Vice President” during emails at this time was erroneous and did contribute to conflict between himself and Sharon Beswick. Colin Freeman appears to have acted as the instigator of much of the dissention within the

⁵ In this instance, the President misunderstood of principles of the policy and used a tone when questioning the CEO that was dismissive and aggressive. This unfortunately caused further tensions between the CEO and the President and obvious frustration by the CEO.

council including inciting the walk out of the meeting in November 2023 and January 2024.

Audio recordings of council meetings indicated pronounced and escalating conflict between Colin Freeman and Sharon Beswick. Due to the animosity between these individuals, there communication via email and within the public council meetings is adversarial and frequently degenerates into personal comments. It is noted that Code of Conduct complaints by Sharon Beswick against Colin Freeman were not substantiated.

CEO performance at Council meetings

The President expressed some concerns over the conduct of the CEO at the council meetings and on multiple occasions questioned the veracity and timeliness of information presented to the council. The other council member's opinion was more favourable and the CEO had obvious support from Cr Freeman.

Audio recordings of the council meetings over this period and subsequent investigation into the matters raised, indicate that the President's concerns were either addressed within the meetings or answered appropriately after the meeting. During meetings, the repeated questioning of the CEO over matters that appeared to have been adequately addressed, occasioned moments where the CEO did not maintain a level of decorum normally associated with her position. However, overall, her performance at council meetings appeared to be acceptable⁶.

Members' understanding of the council's quotation and tender processes

The elected members, notably the President and Cr Noble, called into question the CEO's compliance with the council's quotation and tender process. A review of the documentation associated with the quotation and tender decisions does not indicate any procedural concerns. Rather, a lack of understanding by the elected members of their roles and responsibilities, particularly regarding operational decisions, appears to have contributed to the elected members perceptions of irregularities.

The President and Cr Noble questioned the CEO's compliance with the council's quotation and tender process. A review found no procedural concerns. The elected members'

⁶ The investigator was not present at the meetings and has relied on audio recordings to establish behaviour.

misunderstanding of their roles, especially in operational decisions, likely led to their perception of irregularities.

Recommendation (7) Additional training is provided to elected members to ensure that they understand their roles and responsibilities specifically as applied to procurement activities and operational matters.

Terms of Reference Item 2: Deficiencies in the administration of council meetings

The investigation identified that the appointed chair of the meeting did not consistently conduct the meeting so as to facilitate:

- Robust discussion among the elected members
- Proper consideration and debate
- Elected members were provided with equal opportunity to express their views and options
- Making proper resolutions

Recommendation (8) Training is provided for elected members to ensure that they understand council meeting procedures and expected behaviour.

Recommendation (9) Training is provided to the President (and Deputy President) on chairing effective meetings.

Chair of meetings

Interviews with elected members have provided differing opinions on the Presidents' ability to conduct and chair meetings with opinions divided along the pre-existing fault lines within the council. Some elected members citing bullying and harassment within the council meetings (note code of conduct complaints had been lodged relating to this behaviour). Colin Freeman was also at pains to point out that the bullying extended to the council staff who were frequently subjected to inappropriate behaviour and criticism.

The audio recordings of meetings during the period in question indicate that council meetings were not managed and chaired effectively by the President. This included:

- Council meetings procedures were frequently being inappropriately applied including:

- The misunderstanding of the application of the “point of order” and procedures relating to the management of points of order within the chamber
- The misapplication of the ‘calling the meeting to order’ and the procedures relating to the management of this process
- The use of the ‘calling a meeting to order’ to suppress discussion. While ‘calling to meeting to order’ can be used for to restore decorum in a meeting, the manner in which this was applied within the meeting indicates an intention to frustrate open debate. The meeting of the Feb 2024 is illustrative of this issue.
- Breaches of the Code of Conduct 3 and 4 within meetings that were not identified and dealt with appropriately. This included personal and targeted comments made against individual elected members and staff members.
- Suppression of open debate through the application of calling a meeting to order and the selective application of time limits on debate.
- In particular, the President’s propensity to dominate the discussion related to items was noted. This was particularly evident when the other elected members did not support the President’s opinion. For example, in the October 2023 council meeting, the President talked for approximately 40 minutes regarding changes to community grant policy (item 10.1). This amounted to verbal bulldozing of the meeting. The President, in this instance, enforced 3–minute time limit with other elected members and used the Chairs’ privilege to rebut every contrary opinion⁷. This tendency was also evident in the discussion of item 10.3 in which the President talked extensively on the item (for more than 10 minutes) outlining her opinion on an item while effectively ignoring any contrary opinion. Similar reports of the President’s domination of the meeting related to the August 2023 agenda briefing, and the CEO performance review discussion in January 2024.

It is noted that that the elected members agreed to undertake mediation in December 2022 (RESOLUTION 2022/12/20/022) and again in June 2024 at the request of the then Minister for Local Government. These mediation activities do not appear to have resolved conflicts within the council although meetings in July do appear to have been successful in their processing of council activities.

⁷ In this instance, the President misunderstood of the principles of the policy and used a tone when questioning the CEO that was dismissive and aggressive. This unfortunately caused further tensions between the CEO and the President and obvious frustration by the CEO.

The content and availability of agendas and related reports

During interview and evidenced by email conversations, the President expressed some concerns over the timeliness of the council reports and the process associated with the formulation of the agenda. Evidence provided by the council administration indicated that council agendas were generally provided in a timely manner with a small number of discrepancies.

On occasions the minutes did not reflect the understanding of the President. Discrepancies with the minutes the application of the council meeting policy within meetings (including point of order and calling a meeting to order) and the application of requirements within the Act and Regulations,

The council administration provided agenda briefing papers in relation to all matters for discussion or decision at meetings. In some cases, the agenda papers lacked detail (for example the CEO performance review process). However, they appeared sufficient and appropriate to the matters discussed and the size of the council.

Process of compiling agendas and minutes

The CEO of the period made genuine attempts to develop council agendas in consultation with the President. On several occasions where operational needs necessitated late changes to the agenda, the agenda presented to the council varied (through the addition or deletion of items) from the agenda discussed with the President. There was no evidence of malintent related to these occasions.

As the relationship between the President and the CEO deteriorated, the agenda compilation process become increasingly fractious and a source of conflict. Meetings between the CEO and President effectively ceased in early 2024. During this period, consultation over agenda preparation was minimal and undertaken via email.

Council agendas also demonstrate an attempt by the CEO to move the council to more strategic matters with several operational reports being removed from the agenda.

Sufficiency and adequacy of information provided in business papers

Prior to mid-2024, council agendas were published on the website without the appropriate attachments. This issue does not impact on the elected members access to information as agenda packs were distributed to councillors with attachments. This issue was rectified in September 2025.

The council administration provided agenda briefing papers in relation to all matters for discussion or decision at meetings. In some cases, the agenda papers lacked detail. However, they appeared sufficient and appropriate to the matters discussed and the size of the council. The council administration demonstrated a high reliance on verbal briefings to the council and while this is administratively efficient, it does not provide a high level of transparency and accountability.

Audio recordings of the meetings demonstrate elected members having extensive and broad ranged discussions pertaining to the items on the agenda that are not reflective of the information available to the public nor captured in the minutes. It would appear that these discussions resulted in resolutions that are not clearly related to the matter identified. This is not a contravention to the Act, it is noted that under Section 93 (4) and (5) of the Act, business papers discussed at the meeting should be made available on the council's website. This does not appear to be consistently applied with multiple documents discussed that are not generally available to the public (and do not form part of the official record).

In addition, the council staff and members appear to have a misunderstanding between the use of "members" and "council" (see resolution 2023/10/17/004). While the resolution in question is minor in nature, the misuse of the terms can cause confusion regarding the decision-making authority of members versus the council.

Recommendation (10) Governance materials or guidance is developed for council CEO's and governance staff to improve the quality of council agendas and briefing papers.

Decision making process during council meetings

Reviewing the audio recordings of council meetings revealed that the President often dominated the decision-making process. The President frequently interjected and gagged speakers, especially during disagreements. Despite the council's approval of meeting procedures, this behavior was consistent. For instance, in the special meeting on July 8, 2024, regarding item 5.2 (Coomalie community bus hire), the President was particularly assertive.

This behaviour, and the failure to follow standard meeting procedures, frustrated open debate and prevented effective decision-making.

Recommendation (11) Mandatory recording of council meetings with specified retention period.

Causes of disagreements with regard to the approval of minutes

Council records indicate that a consensus could not be reached to confirm the minutes of numerous previous meetings. Agenda items concerning the approval of minutes frequently led to verbal disagreements during most meetings. Furthermore, the inability of Councillors to agree on what was recorded during meetings they attended highlights a level of interpersonal conflict among these elected members.

Elected members indicated their unwillingness to approve the minutes due to their concerns over the validity of the meetings.

Recommendation (12) Elected members are provided with additional training in the process for the management of procedural matters, such as council minutes, within the council agenda.

Terms of Reference Item 3: Management of the CEO

Interviews, documentary evidence and audio recordings of meetings demonstrate significant tensions between the CEO and the President. This conflict was evident in the council meetings where the President publicly questioned and criticized the CEO.

It is noted that the both the CEO and the President considered the others behaviour to be tantamount to bullying.

Recommendation (13) Improved guidance is provided to elected members on the CEO performance management processes including clear advice on processes for elected member involvement and full council oversight of the process. This guidance should provide model resolutions. Other guidance to include:

- a) Full council oversight of the contractual arrangements, deliberation and resolution process was needed.*
- b) Requirement to obtain independent professional advice for performance management.*
- c) Advice about record keeping.*
- d) Training for elected members on CEO recruitment and performance management.*
- e) Consideration should be given to ensuring that the sourcing of independent advice is mandatory for the CEO recruitment and performance management process and that this advice is provided by reputable individuals with experience and understanding of the obligations of the Act.*

CEO Performance Review Process

The six-month probationary review of the CEO held on the 10 July 2023 followed due process with clear documentary evidence to indicate that a CEO Probation Review Committee meeting was held. Minutes relating to this committee meeting indicate a clear and understood process and an opportunity for all elected members to provide feedback to the CEO. This meeting has clear and appropriately documented decisions relating to the CEO's performance, performance KPIs (schedule 3). During this review, two issues relating to appointment of staff and tender letting process were raised, however, overall, the review documented a positive outcome for the CEO.

The management and execution of the six-month review process indicates a general awareness by the President and other elected members of the processes associated with the formal review of the CEO.

Pre-existing tensions and conflict within the council appear to have escalated during the period leading up to the twelve-month CEO performance review. The CEO and elected members interviewed highlighted various flaws and concerns.

The council appointed the BelRose Group (external consultant) to conduct the CEO performance review at its 21 November 2023 ordinary council meeting.

The following observations were made:

1. The process by which the council considered and appointed the BelRose Group is not documented in either the council minutes or agenda. The council agenda in which the company was appointed does not contain any information or guidance to the council. Furthermore, the quote from BelRose appears to have been accepted without alternative quotes being provided. Although not specifically within the terms of reference, it is unclear whether the appointment of the BelRose Group is in accordance with the procurement obligations.
2. Whilst not obligatory, it is customary for an agenda item to be presented to the council that outlines the basic process including the level of involvement and decision making attributed to the council, President or a specifically formed committee.

The Coomalie council doesn't have a standing CEO Performance committee. In the absence of guiding resolutions within the briefing paper and minutes, it would have been unclear to the elected members the anticipated process. The resolution (RESOLUTION 2023/11/21/008) that appoints the BelRose Group to undertake the

CEO performance review provides no specific delegation and thus, the any decisions relating to the CEO performance review should remain with the council.

3. A council officer was appointed as secretariat for the process. This council officer did not have HR skills nor access to critical information pertaining to the CEO's contract. There is no evidence that the secretariat provided any guidance to the President in relation to the process. There also appeared to be no attempt to ensure the secretariat was included in correspondence between the President and the BelRose Group. There do not appear to be any formal records were held within the council's filing system and emails from the President originate from both her personal and council email account⁸. As a result, there is no formal record of the decision process or correspondence between the President or BelRose Group. This lack of procedural documentation makes the formation of an opinion on the process difficult to establish. However, the lack of documentation relating to the decision-making process, particularly relating to elected member involvement and council decision making, indicates a lack of council involvement and procedural failures.
4. The President did not make use of the HR services within the council administration and thus did not access the primary records relating to the CEO's contract and documentation. There appeared to be considerable confusion relating to the actual documents to be used within the performance process. This confusion impacted on:
 - The ability of the Belrose Group to develop a performance assessment tool based on agreed KPIs.
 - The ability of the elected members to discuss CEO performance within a consistent, contractually compliant and structured manner.
 - The confidence in the process within elected member group and the CEO
5. The use of performance indicators that were not agreed upon and consistent with the understanding of the CEO resulted in a process that lacked procedural fairness.
6. The timing and use of a survey based on generic performance criteria undermined the overall process. The survey did not allow the CEO an opportunity to respond to the CEO's KPIs with the council and outside a survey format.

⁸ Noting inability to access original email box

7. The President's insistence on the use of the survey in the review process despite clearly articulated concerns by the other elected members and the CEO, frustrated the review process and undermined the confidence and trust in the President by some members of the council and the CEO.
8. The process did not facilitate an appropriate level of engagement with elected members. It is noted that the President's report indicates that "08/01/24 a full council meeting was held to discuss the CEO's performance". There is no procedural documentation associated with this review either formally (through a council meeting or informally as a record of meeting). The 8 January meeting was not identified as a formal council meeting and there is no record of attendance, discussion or the outcome of the meeting. Similarly, the briefing session on the 22 January 2024, that preceded the council meeting was not documented.
9. Only three of the six elected members responded to the survey and therefore it was not reflective of majority of the elected members. The decision to include the Audit Committee members appears to be motivated by the need to have sufficient respondents (CCGC55).
10. The survey was sent to the audit committee members without consultation with the CEO and without authority from the elected members.
11. Allegations of misconduct by the CEO within the report were unsubstantiated and not investigated or dealt with appropriately and in accordance with HR principles.
12. While no formal records were made of the 8 January 2024 CEO performance review meeting, elected members expressed frustration over the President's dominance in the review process with reports that the CEO felt targeted and unsupported which exacerbated an already tense working environment. A briefing session that included discussion of the CEO performance review outcomes that preceded the 22 January 2024 meeting ultimately precipitating the failure of that meeting due to lack of quorum (Cr Freeman, Cr McClymont and Cr Richard Luxton absent without apology).
13. The volume of correspondence, including to the LGU, raising concerns over the process, is indicative of broader governance issues and a failure by the President to lead the council and or demonstrate collaborative decision-making.
14. The CEO's performance review process over the November 2023 to January 2024 period failed to provide any formal outcome and the council remained in breach of the CEO contract conditions at the time of their suspension.

Management of complaints against the CEO

Investigation of the complaints register indicates that no complaints against the CEO were formally received by the council over the period in question. No formal complaints were raised by the President and there are no records within the council's filing system to indicate that performance issues were raised in accordance with standard HR processes.

Emails from the President indicate a deteriorating situation between the CEO and the President with the President repeatedly and publicly expressing displeasure with the CEO and questioning the CEO's integrity and competence. At no point during this process did the President seek to manage the perceived lack of performance of the CEO through formal channels.

As these complaints were not articulated as specific issues, it is impossible to form an opinion as to their veracity, however, review documentation related to the issues questioned does not indicate any substantive administrative failures.

Terms of Reference Item 4: Interference with the operations of the council by elected members

The investigation identified multiple occasions where the elected members, and most notably the Sharon Beswick, attempted to interfere or otherwise frustrate the operations of the council.

Elected members were provided with sufficient training and advice to ensure that they were aware of the separation of powers within the Act. It is noted that this was also identified as an issue by the LGU (see CCGC15 dated 15 September 2023).

- **Access to operational information** – The CEO, Sharon Hillen, indicated that at the commencement of her tenure, that she became aware of a high level of involvement by the President in the day-to-day operations of the council, for example, the signing off on all the Bank Summary and witnessing all invoices and reviewing staff pay (see CCGC007).
- **Direct involvement with contractors** – There is also evidence of the President dealing directly with a council contractor [REDACTED] in relation to the contractor's involvement in a particular piece of work. In this instance the President discussed confidential commercial business with a private company and negatively impacted the relationship between the council administration and the contractor potentially impacting on the operational efficiency of the council (CCGC047).

- **Interference with recruitment** - There was also perceived interference by the President over the appointment of [REDACTED]. The CEO was directed by the President to advertise the position and the President sought to influence the outcome of the recruitment by submitting numerous complaints to the CEO on the day of the position being advertised. Correspondence between the CEO and the President indicates clear advice that the management of staff is within the responsibilities of the CEO and that the behaviour of the President was inappropriate.
- **Committee member interference** - During the course of the investigation, it was also reported that the Community Member appointed to the Risk Management and Audit Committee (RMAC); [REDACTED] was interfering with operational matters. Noting that RMAC members are subject to the same code of conduct provisions under the Act.

On 4 May 2024, [REDACTED] approached the CEO requesting a meeting to discuss an error in a staff members pay and potential errors in the pay calculation. Interviews and contemporaneous file notes indicate that the exchange was quite heated with the [REDACTED] insisting gaining access to staff pay records. In this instance, the committee member did not get access to the personal HR information. However, the committee member's approach to the council administration staff was inappropriate.

Terms of Reference Item 5: Other matters

The following additional items were identified:

Ongoing code of conduct breaches

Suspended members have continued to engage in behaviour that is in contravention of the code of conduct. For example:

- Stephen Noble Sending offensive and insulting emails to residents regarding the activities of the official manager (see CCGC048)
- Reported conversations by Cr C Luxton at Batchelor Markets purporting to suggest the outcomes of the investigation (CCGC048)

- Reported conversations by Cr Beswick and Stephen Noble during the monthly bus trip that are highly derogatory of council staff (CEO), official manager and other suspended councillors.
- Ongoing poor behaviour and disruption at council meetings.

Breaches of Confidentiality

██████████ asked a question at the September 2024 meeting of council (CCGC050) that refers to a matter in confidential. As the matter referenced in the question remains in the confidential section of the council, this matter can only be known to a constituent through a breach of confidentiality by an elected member. It is not possible to determine who provided this information to ██████████ but an identical question was asked by Sharon Beswick at the September council meeting.

Elected member relationships and dynamics

The relationships that exist between the elected members are likely to have contributed to the disfunction of the council, and particularly the formation of voting blocks. Sharon Beswick employs Stephen Noble within a small business within Adelaide River and Cherrian Luxton is married to Richard Luxton. These relationships do not preclude them from holding office under the Act, however, make council dynamics complex and personal.

While it is noted that close personal relationships are likely to occur within a community the size of the Coomalie townships, these personal relationships may have exasperated tensions and, in some cases, resulted in decision making based on alliances rather than the best interests of the community.

Recommendation (14) Review criteria for eligibility for becoming an elected member and specifically prohibit the appointment of members through direct appointment where clear conflicts of interest exist.

APPENDIX 1: WORKS CITED

1. **Department of Prime Minister and Cabinet.** *Investigator Terms of reference* . s.l. : NTG, 2024.
2. **Department of Chief Minister and Cabinet.** *Coomalie Community Government Council - Investigation Report*. s.l. : NTG, 2024.

APPENDIX 2: REFERENCED MATERIAL

Reference	Original Document Date	Description
CCGC001	27/10/2023	
CCGC002	27/10/2023	
CCGC003	5/09/2023	Adelaide River Market
CCGC004	13/07/2023	File Note - Sharon Hillen
CCGC005	31/07/2023	Email regarding complaint
CCGC006	17/08/2023	Complaint regarding toilet block
CCGC007	12/09/2023	Called out bullying
CCGC008	23/10/2023	Email to Susan DLG
CCGC009	31/10/2024	The Community Bus Incident
CCGC010	17/10/2023	Drawing a line ROC
CCGC011.12	5/09/2023	Staff bullying
CCGC011.13	5/09/2023	Special meeting request
CCGC011.14	5/09/2023	Special meeting request
CCGC012	3/09/2023	From Cr Freeman to Sharon Hillen regarding bullying
CCGC013	12/04/2024	Email regarding application of policy/act on recruitment of CEO
CCGC014	14/10/2023	Email trail regarding filling casual vacancy
CCGC015	15/09/2023	Letter to President from DLG - Interaction between Council members and Council staff
CCGC016	31/10/2023	Internal email DLG - Coomalie update (collection of emails)
CCGC017	15/09/2023	Letter sent to President (refer CCGC15)
CCGC018	27/10/2023	
CCGC019	8/09/2023	Email from Sharon Hillen to DLG - CONFIDENTIAL Coomalie - Support and Advice Request
CCGC020	19/01/2024	Email appointment of deputy president
CCGC021		Letter from official manager suspected breach
CCGC022		
CCGC023		Copies of hand written notes relating to the bus hire
CCGC024		Email from Colin Freeman regarding bus (might refer to the hand written notes)
CCGC025	6/05/2024	Email discussing rescheduling of council meeting
CCGC026	18/06/2024	email refers to CCGC meeting 18th June 2024
CCGC027		Email relating to bus issue
CCGC028	4/03/2024	Ltr CEO to LGU - Request to Investigate4
CCGC029	11/03/2024	FW: President agenda items for March
CCGC030	18/03/2024	CEO request for leave
CCGC031	12/03/2024	Coomalie - summary of discussions
CCGC032	9/03/2024	Email from President and response from LGU
CCGC033	8/03/2024	re: double jeopardy
CCGC034	28/02/2024	Re: Agenda amendment
CCGC035	28/02/2024	Re Colin
CCGC036	28/02/2024	Re Colin (response)
CCGC037	9/02/2024	Re Attendance at council meetings
CCGC038	21/12/2023	Deputy President
CCGC039	18/12/2024	Statement to CEO
CCGC040	10/12/2023	NO DATE Social media post from Colin Freeman
CCGC041	22/11/2023	Meeting outcomes
CCGC042	1/11/2023	Request agenda for november meeting and following email trail
CCGC043	14/11/2023	Reply to colin
CCGC044	3/11/2023	Invitation to meet and discuss council issues

CCGC045	28/02/2024	File note from Sharon Hillen outlining her understanding of the CEO performance review process
CCGC046	16/01/2024	OGM agenda
CCGC047	19/12/2024	email: rescinded procurement policy
CCGC048	19/12/2024	rescinded procurement policy (doc)
CCGC049	7/10/2024	various screen shots of messages
CCGC050	01/01/2025	Letter to investigator regarding potential
CCGC051	1/07/2024	Mediation Fri 21 June 2024 Councillors and CEO
CCGC052	17/01/2025	[REDACTED]
CCGC053	18/01/2025	[REDACTED]
CCGC054	20/01/2025	Summary list of training received by Sharon Beswick
CCGC055	20/01/2025	Timeline of CEO Performance Review
CCGC056	24/05/2024	Register of conflict of interest (downloaded from website)

APPENDIX 3: LIST OF COUNCIL MEETING AUDIO RECORDINGS

Meeting Type	Date	File name
Ordinary Council meeting	15/11/22	"D:\2022\221115_151418_00.mp3"
Ordinary Council meeting	20/12/22	"D:\2022\221220_151154_00.mp3"
Ordinary Council meeting	19/01/23	"D:\2023\230119_151919_00.mp3"
Ordinary Council meeting	16/02/23	"D:\2023\230216_151833_00.mp3"
Cemetery Board meeting	16/03/23	"D:\2023\230316_145349_00 Cemetery Board.mp3"
Ordinary Council meeting	16/03/23	"D:\2023\230316_151916_00 OGM.mp3"
Ordinary Council meeting	18/04/23	"D:\2023\230418_152251_00.mp3"
Special Council Meeting and May OCM	27/04/23	"D:\2023\230427_142932_00 April Special Meeting & May OGM.mp3"
Ordinary Council meeting	20/06/23	"D:\2023\230620_153138_00 June OGM 2023.mp3"
Special Council meeting	27/06/23	"D:\2023\230627 Special Meeting 27th June 2023.mp3"
Ordinary Council meeting	18/07/23	"D:\2023\230718_152330_00.mp3"
Ordinary Council meeting	15/08/23	"D:\2023\230815_152234_00.mp3"
Cemetery Board meeting	19/09/23	"D:\2023\230919_143441_00 Cemetery Board Meeting.mp3"
Ordinary Council meeting	19/09/23	"D:\2023\230919_152718_00.mp3"
Ordinary Council meeting	17/10/23	"D:\2023\231017_155328_00 17th October OGM.mp3"
Ordinary Council meeting	21/11/23	"D:\2023\231121_152941_00 21st November OGM.mp3"
Ordinary Council meeting	19/01/23	"D:\2023\Ordinary General Meeting of Council-20230119_150329-Meeting Recording.mp4"
Ordinary Council meeting	20/02/24	"D:\Prior to Mark\240220_143541_00 February Briefing.mp3"
Ordinary Council meeting	20/02/24	"D:\Prior to Mark\240220_153223_00 February Meeting.mp3"
Ordinary Council meeting	19/03/24	"D:\Prior to Mark\240319_152715_00 March Meeting.mp3"
Ordinary Council meeting	16/04/24	"D:\Prior to Mark\240416_153309_00 April Meeting.mp3"
Special Council meeting	07/05/24	"D:\Prior to Mark\240507_153410_00 May Special Meeting.mp3"
Ordinary Council meeting	21/05/24	"D:\Prior to Mark\240521_154527_00 May Meeting.mp3"
Special Council meeting	04/06/24	"D:\Prior to Mark\240604_120710_00 June Special Meeting.mp3"
Ordinary Council meeting	18/06/24	"D:\Prior to Mark\240618_153959_00 June Meeting.mp3"
Special Council meeting	08/07/24	"D:\Prior to Mark\240708_133630_00 July Special Meeting.mp3"
Ordinary Council meeting	16/07/24	"D:\Prior to Mark\240716_154100_00 July Meeting.mp3"