

## STATEMENT ON FORMAL RESOLUTION

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**Statement regarding the District Council of Robe's approach to the Robe Airfield hangar lease negotiations.**

On 14 February 2023 the Ombudsman received a report about the actions of the newly elected members at the District Council of Robe (**the council**) surrounding the council's negotiations with the Robe Aero Club about draft hangar lease agreements at the Robe Airfield. The concerns included that some elected members were involved in direct negotiations with the Robe Aero Club and were undermining the council's administration's efforts in progressing the proposed lease agreement approved by the previous council.

The Ombudsman sought information from some elected members, including relevant council documents. These indicated that the lease negotiations had been protracted over some years and after the council elections in 2022, the Robe Aero Club had made representations to the incoming elected members about their concerns with the proposed lease agreements. The council eventually approved new hangar lease agreements in June 2023, however, the Ombudsman was concerned that the elected members had engaged in an irregular course of conduct in relation to the lease negotiations in early 2022. This included the following:

- the elected members' failed to follow meeting procedures in relation to the Airfield Meeting with the Robe Aero Club on 12 January 2023. In particular the meeting should have been formalised as an information or briefing session, in the interests of elected member accountability and transparency to the community
- the Deputy Mayor's actions in entering into direct discussions and meetings with the Robe Aero Club officials, drafting amendments to the lease and providing an amended version of the lease to the Robe Aero Club prior to seeking council approval, were operational activities that are outside the statutory role and functions of an elected member and were not formally authorised by the council
- the Mayor could have done more to assist the Deputy Mayor to understand the limits of his role as an elected member and to refrain from undertaking the council administration's tasks
- the potential consequences of elected members becoming involved in operational activities, such as liaising directly with a party in contractual negotiations with the council, is that it can lead to misunderstandings of the council's position, (for instance whether the council had, or would, approve the installation of a fuel supply system); as well as a lack of coordination between the elected members and the council's administration in the approach to the hangar lease agreements

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- that in some correspondence with Robe Aero Club officials, elected members' personal email addresses were used for council-related business, in contravention of the legislative requirements.

### *Outcome*

After considering the circumstances of the matter, the Ombudsman determined the matter was suitable for a formal resolution. As part of this resolution the Mayor and Deputy Mayor read statements at a public meeting of the council on 8 May 2024, which were then recorded in the Minutes. These statements acknowledged the errors identified above and undertook to avoid such errors in future. The Ombudsman considered the Mayor's statement showed her appreciation of the importance of putting such errors on the public record and of retaining the community's trust in the council's processes.

The matter was concluded on the basis that it had been satisfactorily resolved.