

Summary.

I conclude that there has been no demonstrable breach of the Code of Conduct as set out in Allegations 2 (first element), 3, 4, 7 and 8 and for Allegation 5 there is an acceptance of the finding and an agreement with Cr Nick Kerry that there is no need to proceed further.

I conclude that there is a basis for finding a breach of the Code of Conduct for Allegations 1,2 (second element), and 6 for reasons set out above.

However, I add that while the behaviours complained about do in my findings provide a basis for finding various breaches of the Code of Conduct these behaviours are at the lowest end of the scale of inappropriate behaviours and they reflect more a lack of experience and understanding by Cr Nick Kerry rather than any deliberate flouting of the Code of Conduct.

In addition I add that from my observations during the inquiry it is apparent that while Cr Nick Kerry may disagree with some of the "factual" findings he now does understand the implications of his "alleged behaviours" from a Code of Conduct perspective – even if he disputes that his "alleged behaviours" may amount to a breach of the Code of Conduct as I have found. This process has been one of enlightenment for Cr Nick Kerry whom I am sure has learned about expected behaviours and Code of Conduct implications, and as such there is arguably no need to take the matter any further other than reporting the outcome to the Council.

Accordingly, I refer the matter to you as Public Officer to determine what (if anything) need now be done by way of referral to Council.

Yours sincerely,

Ted Byrt.



Ted Byrt
Executive Director
Byrt Corporate Advisory[®]