



Councillor Conduct Register

(Pursuant to Section 150DX of the Local Government Act 2009)

The purpose of this register is to record the decisions/outcomes of investigations against Councillors under Chapter 5A (sections 150DX, 150DY and 150DZ) of the Local Government Act 2009.

The local government must keep an up to date Councillor Conduct Register about the following matters:

- Orders made about the unsuitable meeting conduct of Councillors at local government meetings;
- Decisions about suspected inappropriate conduct of Councillors referred to the local government;
- Decisions about whether or not Councillors have engaged in misconduct made by the Councillor Conduct Tribunal;
- Complaints about the conduct of Councillors dismissed by the Independent Assessor; and,
- Decisions to take no further action in relation to the conduct of Councillors investigated by the Independent Assessor.

Also note obligations required as per sections 150DY and 150DZ on entries to the register relating to names of Councillors being published.

In accordance with s150DX(2), this Register is to be published on Council's website and available for inspection by the public at Council.

| Complaint Reference(s) | Date of Complaint | Subject Councillor* | Summary of Complaint | Category of Conduct# | Decision Maker | Date of Decision | Summary of and Reasons for the Decision |
|--|-------------------|---------------------|---|-----------------------|--|-------------------|---|
| C/20/00256 | 17 August 2022 | | It was alleged that a councillor made a financial commitment on behalf of the WRC to a research centre without knowledge or approval from council. | Misconduct | Bronwyn Blagoev, Acting Independent Assessor | 18 December 2023 | The OIA decided to withdraw the CCT application in the public interest, pursuant to section 150AKA(3)(b)(iii) of the Act. On the basis that the seriousness of the alleged misconduct is considered relatively minor as the councillor signed a participant declaration that may not have been legally binding on council, when signing the participant declaration, the Respondent verbally indicated he would need council approval, the conduct occurred more than five years ago; and no complaint was made at the time of the conduct. |
| C/23/00379 | 29 June 2023 | | It was alleged that a Councillor disclosed information, which could be considered confidential to the local government. | Misconduct | Kathleen Florian Independent Assessor | 12 September 2023 | The OIA decided to take no further action pursuant to section 150Y(b)(ii) of the Local Government Act 2009 on the basis that there is insufficient information to properly investigate the conduct or form an opinion about whether the conduct is, or may be, inappropriate conduct or misconduct. |
| C/23/00372, C/23/00373, C/23/00374, C/23/00375, C/23/00376, C/23/00377, C/23/00378 | 28 June 2023 | | It is alleged a councillor engaged in misconduct when the councillor disclosed information that the councillor knew or reasonably knew was information confidential to council | Inappropriate conduct | Charles Kohn Deputy Independent Assessor | 11 July 2023 | The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as I am satisfied that further dealing with the complaint or information would be an unjustifiable use of resources. The OIA was unable to get further and particular details about the councillor, or other participants of the confidential briefing session, who allegedly made the disclosure to an external party |
| C/23/00180, C/23/00184, C/23/00189, C/23/00193, C/23/00196 & C/23/00197 | 17 March 2023 | | It was alleged a councillor made false and/or inappropriate statements at an ordinary council meeting and that another councillor who was the chair of the meeting, allowed it to continue. | Inappropriate conduct | Charles Kohn Deputy Independent Assessor | 06/04/23 | The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with the complaint would be an unjustifiable use of resources. Assessment of this matter identified some systemic issues about the process followed. It |

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| # | Categories as determined in the Code of Conduct for Councillors in Queensland. |

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| | | | | | | | was considered preferable to deal with this matter as a training issue, rather than a disciplinary issue. The OIA is writing to the Department of State Development, Infrastructure, Local Government and Planning with a view to having training provided. |
| C/22/00496, C/22/00497 & C/22/00566 | 19 July and 5 August 2022 | Cr Mike Bruner | It is alleged that Councillor Bruner breached part 2.2 of Council's Facility and Expense Policy by using his Council email address for communication through his candidacy Facebook page during the by-election period of July – August 2022. | Inappropriate conduct | Whitsunday Regional Council | 08/03/23 | <p>Council resolved pursuant to sections 150AG(1)(a) and 150K(1) of the <i>Local Government Act 2009 (Qld)</i>, and the Councillor Facility and Expenses Policy Part 2.2, that Councillor Bruner has engaged in inappropriate conduct, and has made the following orders or recommendations pursuant to 150AG(1)(b) and 150AH of the <i>Local Government Act 2009</i>:</p> <ol style="list-style-type: none"> 1. The Councillor reimburses the local government \$500.00 for some of the costs arising from the Councillor's inappropriate conduct. 2. The Councillor attends training or counselling addressing the Councillor's conduct. 3. Note the public apology made by Cr Bruner made in his statement. <p>Council resolved to direct the Chief Executive Officer to update the Councillor Conduct Register to appropriately reflect the decision of Council in accordance with section 150DY of the <i>Local Government Act 2009</i>.</p> |

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| C/22/00232, C/22/00233 | 20 April 2022 | Cr Jan Clifford | <p>Allegation 1 It is alleged that Councillor Clifford acted inappropriately on 22 March 2022 at a Civic event towards a Council employee.</p> <p>Allegation 2 It is alleged that Councillor Clifford acted inappropriately on 1 April 2022 at a Council held event towards a Council employee.</p> <p>Allegation 3 It is alleged that on up to three separate Council meetings between May 2022 – November 2022, during the morning tea break, Councillor Clifford engaged in social conversation with persons present at the morning tea but ignored a Council employee.</p> | Inappropriate conduct | Whitsunday Regional Council | 22/02/2023 | <p>Council resolved pursuant to sections 150AG(1)(a) and 150K(1) of the <i>Local Government Act 2009 (Qld)</i>, that Councillor Clifford has engaged in inappropriate conduct in relation to allegation 1 and 2, and has made the following orders or recommendations pursuant to 150AG(1)(b) and 150AH of the <i>Local Government Act 2009</i>:</p> <ol style="list-style-type: none"> 1. the councillor makes a public admission that the councillor has engaged in inappropriate conduct. 2. reimburses the local government \$500.00 for some of the costs arising from the Councillor's inappropriate conduct. 3. that the councillor attends training or counselling to address the councillor's conduct, including at the councillor's expense. <p>Council resolved pursuant to sections 150AG(1)(a) and 150K(1) of the <i>Local Government Act 2009 (Qld)</i>, that Councillor Clifford has not engaged in inappropriate conduct in relation to allegation 3.</p> <p>Council resolved to direct the Chief Executive Officer to update the Councillor Conduct Register to appropriately reflect the decision of Council in accordance with section 150DY of the <i>Local Government Act 2009</i>.</p> |

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| C/22/00731 | 21/09/2022 | | It was alleged a councillor breached the code of conduct when commenting in the media about the outcome from an administrative process. | Inappropriate conduct | Charles Kohn - Delegate - OIA | 04/10/2022 | The OIA decided to take no further action pursuant to section 150Y(b)(b)(i) of the Local Government Act 2009 [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The comments by the councillor were strictly factual and did not meet the threshold of a breach of the code of conduct for councillors in Queensland. |
| C/22/00699 | 9/09/2022 | | It is alleged a councillor engaged in inappropriate conduct when the councillor failed to update the councillor's social media page to remove reference to an event involving another councillor | Inappropriate conduct | Charles Kohn - Delegate - OIA | 09/09/22 | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. On assessing this matter, the OIA checked the social media page, which had since been corrected. |
| C/22/00568, C/22/00567, C/22/00505, C/22/00504, C/22/00499 & C/22/00498 | 05/08/22 & 19/07/22 | | It was alleged two councillors used council supplied resources for an election campaign. | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 22/08/22 | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. Enquiries by the OIA revealed the councillors had not used council supplied resources. |
| C/22/00530 | 27/07/22 | | It was alleged a former councillor had deleted a post and blocked a member of the public from their councillor Facebook page. | Inappropriate conduct | Charles Kohn - Delegate - OIA | 17/08/22 | The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009. The decision was made given the time since the event and the fact the councillor is no longer in Local Government. |

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| C/22/00492 | 15/07/22 | | <p>It was alleged that unknown councillors approved a planning application based on fraudulent documents which stated most adjacent landowners did not object to the application.</p> <p>It was further alleged that persons associated with the Council may have benefited financially from the approval.</p> | Inappropriate conduct or misconduct | Evan Thomas – Acting Delegate – OIA | 03/08/22 | <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the alleged conduct is not inappropriate conduct or misconduct.</p> <p>A review of the minutes of the Council meetings which considered the relevant agenda item identified that the Councillors voted with the knowledge that adjacent landowners objected to the application.</p> <p>The OIA's jurisdiction is limited to Councillors however they are not responsible for the preparation of council reports discussed in council meetings and there was no reasonable suspicion any councillors received any financial benefit from the approval.</p> |
| C/22/00219 | 12/04/22 | | A councillor was alleged to have inappropriately deleted a post and blocked a member of the public from their official Council Facebook page. | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 11/05/22 | <p>The OIA dismissed this matter pursuant to section 150X(c)(ii) as taking further action would be an unjustifiable use of resources.</p> <p>The Whitsunday Regional Council Social Media Policy Section 4(b) does give Councillors the right to block persons who post or comment content and remove said content, which – constitutes spam or solicits business.</p> <p>The post that was blocked could be considered spam or to solicit users by diverting them to another organisation's site.</p> |

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| C/22/00174 | 23/03/22 | | It was alleged that a councillor had not responded to the complainant. It was further alleged that the councillor had misused council resources. | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 06/04/22 | The OIA dismissed this matter pursuant to section 150X (a)(ii) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. It is the responsibility of the CEO and council staff to action operational requests and the complainant in this matter had received a response from the CEO Further on the facts of this matter, there was no reasonable suspicion that the councillor had misused council resources. |
| C/21/00705 | 21/10/21 | | It is alleged a councillor used their position to delay an investigation into matters relating to the provision of information by council officers, that had been raised by the complainant. | Inappropriate conduct or misconduct | Evan Thomas – Principal Investigator | 09/11/21 | The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct as the relevant councillor had provided an appropriate response to the concerns raised by the complainant. |

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| C/21/00631 | 13/09/21 | | <p>It is alleged that a Councillor failed to process two complaints made by a member of the public.</p> <p>It is alleged that the Councillor failed to engage with the complainant regarding these two complaints.</p> <p>It is alleged that the Councillor failed to initiate an investigation into the performance of senior council officer.</p> <p>It is alleged the Council holds secret "Shadow Meetings" and has, on at least one occasion, invited a real estate company, where they discuss, debate and decide on Council matters.</p> | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 20/09/21 | <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>Material provided to the OIA show the Councillor in addition to the WRC engaged with the complainant regarding the concerns the complainant had. Grievances with a decision of council is not within the jurisdiction of the OIA.</p> <p>Performance of any staff member is managed under a Performance Management framework and not an investigatory framework and as such it is not inappropriate for the Councillor to refuse to initiate an investigation.</p> <p>No evidence was provided to support the allegation of "Shadow Meetings". Further, Council may convene pre-meeting briefings to on agenda items of the Ordinary Council Meetings to ensure their decisions are informed and meetings are efficient.</p> <p>It is noted however, that any debate or decision is to occur transparently in Ordinary Council Meetings.</p> |

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| C/21/00448 | 08/07/21 | | It is alleged a councillor had refused to meet with a resident about the resident's concerns relating to a festival being held in the region in September 2021. | Inappropriate conduct | Charles Kohn - Delegate - OIA | 21/07/21 | <p>The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009 (the Act) as the complaint lacked substance and credibility.</p> <p>The OIA confirmed that the resident had emailed news articles and concerns to council about the festival but had no record of the resident requesting to meet with the councillor.</p> <p>Further, the Festival is being held in an adjoining Regional Council area.</p> |
| C/21/00366 | 03/06/21 | | It is alleged a councillor had been giving advice to residents about a local law issue that resulted in infringement notices being withdrawn | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 24/06/21 | <p>The OIA decided to take no further action pursuant to section 150Y(b) (i) of the Local Government Act 2009 [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The Councillor was given the opportunity to respond to the allegation and admitted to speaking with the residents about the local law issue some time ago about a lawful process that could be adopted, but denied providing them recent advice to appeal to council to have their infringement notices withdrawn.</p> |
| C/21/00202 | 31/03/21 | | It is alleged a councillor breached the code of conduct for councillors in Queensland when the councillor responded to a resident's social media post about an update on a council policy | Inappropriate conduct or misconduct | Charles Kohn - Delegate - OIA | 22/04/21 | <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the OIA did not consider that the Councillor's conduct, by publicly agreeing with a resident's post on social media, reached the threshold for inappropriate conduct or misconduct.</p> |

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| C/20/00984 | 29/11/20 | | It was alleged that at an Ordinary Meeting, a Councillor made a comment publicly expressing an opinion in relation to a development application, before having the benefit of a report and recommendation from the appropriate Council officer. It was alleged that the comment was a breach of Council policy and created a conflict of interest. | Conflict of Interest | Charles Kohn - Delegate - OIA | 24/12/20 | <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the conduct did not constitute inappropriate conduct or misconduct. The comment appeared to be general in nature and did not breach a policy, the purpose of which was to addresses how councillors are to interact with developers in relation to the consideration of particular matters.</p> <p>Further, the comment appeared to be consistent with Council's policy position in relation to development within the relevant area, and as a stand-alone comment, did not give rise to a conflict of interest within the meaning of the Act.</p> |

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| F19/6509 | 15/05/19 | Cr John Collins | <p>Allegation 1: The Tribunal determined, on the balance of probabilities, that the allegation that on 1 May 2019, Councillor John Collins, a councillor of the Whitsunday Regional Council engaged in misconduct as defined in section 150L(1)(c)(iv) of the Local Government Act 2009 (the Act), in that the conduct contravened section 171(3) of the Act, as it involved the release of information that the Councillor knew, or should reasonably have known, was information confidential to the local government, has been sustained.</p> <p>Allegation 2: The Tribunal determined on the balance of probabilities that the allegation that on 1 May 2019, Councillor John Collins, a councillor of the Whitsunday Regional Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of the trust placed in him as a councillor when he knowingly or recklessly provided incorrect information to Ms Denise Hadley about a council vote to appoint a councillor to the vacant Division 4 councillor position and that in doing so he breached the local government principle in section 4(2)(e) of the Act has not been sustained.</p> | Misconduct | Councillor Conduct Tribunal (CCT) | 28/01/20 | <p>Allegation 1: The Councillor Conduct Tribunal (CCT) decided pursuant to s150AQ(1) of the Act that Councillor Collins has engaged in misconduct and has made the following orders or recommendations pursuant to s150AR(1)(b) that:</p> <ol style="list-style-type: none"> 1. Councillor Collins make a public admission at an Ordinary Meeting of the Whitsunday Regional Council, that he engaged in misconduct, within 60 days of the date a copy of this order is provided to him by the Registrar, pursuant to section 150AR(1)(b)(i); 2. Councillor Collins attend training or counselling, at the expense of the Councillor, to address the Councillor's conduct, and how not to repeat the misconduct within 90 days of the date of this order. The CEO is to report to the Independent Assessor at the end of the 90 days, confirming that such counselling has been undertaken (s150AR(1)(b)(i); 3. Councillor Collins pay Whitsunday Regional Council the amount of \$300.00, to be paid within 60 days from the date a copy of this Order and a copy of the Reasons for Decision were provided to him by the Registrar, pursuant to section 150AR(1)(b)(iv) of the Act. <p>Allegation 2: The Tribunal decided pursuant to s150AQ(1) that Councillor Collins has not engaged in misconduct and no further action is to be taken in relation to this matter.</p> |

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| C/19/00859 | 11/10/19 | - | It is alleged a Councillor may have attempted to delay a Council infrastructure project due to a personal conflict with a resident. | n/a | Office of the Independent Assessor (OIA) | 29/10/19 | The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the conduct does not constitute inappropriate conduct or misconduct. It was established the Councillor has no input into the scheduling of capital works for council projects which is operationally managed by the Chief Executive Officers office. |
| C/19/00495 | 03/05/19 | - | It is alleged that after a council meeting, a Councillor directed a rude gesture towards another Councillor and that this might amount to Inappropriate Conduct. | n/a | Council | 02/07/19 | The Mayor and CEO held discussions with the complainant and the subject of the complaint. The complaint was not substantiated. The complainant offered an apology and withdrew the complaint. |
| C/19/00512 | 08/05/19 | - | It is alleged that a Councillor was disrespectful and threatened a member of the public regarding issues at their property. | n/a | Office of the Independent Assessor (OIA) | 27/06/19 | The OIA decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(iii) on the basis that taking further action would be an unjustifiable use of resources. The subject Councillor disputed the allegation and a council officer involved in the ongoing issues at the property in question did not support the allegations. |
| C/19/00479-480 | 02/05/19 | - | It is alleged that in voting to fill a vacant Councillor position, a Councillor endorsed the successful candidate prior to assessing all candidates. It is further alleged that Councillors had a conflict of interest in voting to the vacant Councillor position. | n/a | Office of the Independent Assessor (OIA) | 29/05/19 | The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. The information available did not raise a reasonable suspicion of a conflict of interest between Councillors and the successful candidate. Further, additional information provided by Council indicated that the vote was carried 6-nil as a resolution of Council, as communicated to the public following the vote. |

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| C/19/00474-476 | 02/05/19 | - | It is alleged that Councillors had a conflict of interest in voting to fill a vacant Councillor position and advised the public that a 6-nil unanimous vote had occurred, rather than the actual 4-3 vote. | n/a | Office of the Independent Assessor (OIA) | 29/05/19 | The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. The information available did not raise a reasonable suspicion of a conflict of interest between Councillors and the successful candidate. |
| OIA Reference C/18/00343 | 17/12/18 | - | It is alleged that a Councillor failed to update their register of interests in the required timeframe after receiving hospitality from a developer. | n/a | Office of the Independent Assessor (OIA) | 28/05/19 | The OIA delegate took no further action in relation to the matter pursuant to Section 150Y(b)(i) as the councillor was able to clearly demonstrate that they did not in fact receive the hospitality alleged and as such the Councillor's register of interest was correct. |
| OIA References C/19/00483-488 | 02/05/19 | - | It is alleged that following a vote to fill a vacant Councillor position, Councillors advised the public that a 6-nil unanimous vote had occurred, rather than the actual 4-3 vote. | n/a | Office of the Independent Assessor (OIA) | 20/05/19 | The OIA decided to dismiss the complaint pursuant to section 150X(a)(ii) on the basis that the conduct was not inappropriate conduct or misconduct. Additional information provided by Council indicated that the vote was carried 6-nil as a resolution of Council, as communicated to the public following the vote. |
| OIA References C/19/00458 and C/19/00460-464 | 01/05/19 | - | It is alleged that in voting to fill a vacant Councillor position, Councillors awarded the position to an allegedly unqualified applicant. | n/a | Office of the Independent Assessor (OIA) | 20/05/19 | The OIA decided to dismiss the complaint pursuant to Section 150X(c)(i) on the basis that dealing with the complaint would not be in the public interest. Following lodgment of the complaint, the complainant in the matter requested that their complaint be withdrawn. |

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Councillor Complaints Register

The Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018 (Councillor Complaints Act) primarily amended the Local Government Act 2009 (LGA) to implement the Government's response to the Independent Councillor Complaints Review Panel's Report 'Councillor Complaints Review: A fair, effective and efficient framework' to deliver a simpler, more streamlined and transparent system for making, investigating and dealing with Councillor complaints and conduct in Queensland.

The new Councillor complaints system came into operation on 3 December 2018 when the remaining provisions of the Councillor Complaints Act and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018 commenced by Proclamation.

Prior to 3 December 2018, Councillor complaints were managed in accordance with Chapter 6, Part 2, Division 6 (Conduct and Performance of Councillors) of the Local Government Act 2009. This Division in the Act has since been repealed following the introduction of the new Councillor complaints system on 3 December 2018.

This register is for complaints made prior to changes to the Local Government Act 2009 commencing 3 December 2018 under the former system.

| Reference | Date Received | Details of Complaint* | Referral | Parties advised of outcome | Summary of Allegation | Outcome |
|-----------|---------------|--|--|----------------------------|---|---|
| 2018/03 | 23/07/2018 | - | Dept Local Govt, Racing & Multicultural Affairs (DLGRMA) | 19/11/2018 | That on a number of unidentified dates in 2017, the Councillor requested that the Manager, Strategic Planning provide information to the Councillor regarding the performance of the Manager's supervisor and that this constituted misconduct as defined in Section 176(3) of the Act. | Referred to Chief Executive of DLGRMA who found that the allegation of misconduct under Section 176(3) of the Act was NOT SUSTAINED. Consequently, no orders were made. |
| 2018/02 | 22/06/2018 | Inappropriate Conduct by Councillor Jan Clifford | Mayor | 16/07/2018 | That the Councillor supported via the provision of a reference, a person charged with being in receipt of a large quantity of Marijuana plants, and that such support is not in the best interests of Whitsunday Regional Council and brought Council into disrepute. | Preliminary assessment of inappropriate conduct CONFIRMED. Mayor orders that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct. |
| 2018/01 | 22/06/2018 | - | Mayor | 16/07/2018 | Breached Council's social media policy and Councillor Code of Conduct by publishing a council resolution and inaccurate and misleading excerpt of report during the Council meeting where the matter was being considered. | Preliminary assessment of inappropriate conduct NOT CONFIRMED. Whilst the allegation was acknowledged by the Councillor, the Mayor determined that the matter did not satisfy s176(4) of the Local Government Act as inappropriate conduct, and no disciplinary order was required. Mayor has asked CEO to revise the Social Media Policy for clarity and familiarise the Councillor with the media policies and Code of Conduct. |
| 2017/01 | 01/12/2017 | Inappropriate Conduct by Councillor Jan Clifford | Mayor | 11/12/2017 | Made inappropriate and offensive comments to council staff about another member of council staff. | Preliminary assessment of inappropriate conduct CONFIRMED. Mayor orders that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct. |

Key:

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| * | Only included in circumstances where the allegation was confirmed or sustained on assessment. |
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