

15 November 2023

TO:

[REDACTED]

Phone: 074945 0222

Email: info@wrc.qld.gov.au

Postal Add: PO Box 104, Proserpine QLD 4800

ANSIC REFERENCE NUMBER: ANS-INV-23/0129

TIME/ DATE OF INCIDENT: Complaint dated 13/07/2022 from Mr Philip BATTY

LOCATION OF INCIDENT: Whitsunday Regional Council (local government area)

CLIENT REFERENCE: C0-23-1271

Dear Mr Ngoroyemoto,

Thank you for your instructions in this matter. I am pleased to report that we have now completed our investigation and delivered our final report. A summary is as follows:

07/08/2023 – Instructions received by ANSIC

11/08/2023 - ANSIC Report #1 delivered

11/09/2023 - ANSIC Report #2 delivered

14/11/2023 - ANSIC Report #3 delivered

SUMMARY:

The conclusions contained within our final report are based upon the following:

- (i) a fact that can be concluded as a result of a statement from a party (complainant, witness or suspect/ offender); or
- (ii) a fact that can be concluded from identifiable evidence; or
- (iii) an assumption on the balance of probabilities based upon the investigation conducted by the ANSIC Investigator/s giving due consideration to all things known at the time of this report as well as the extensive professional investigative experience of the Investigator.

(1) As independent professional investigators, we have the benefit of hindsight when reviewing matters such as this which makes our task somewhat easier than the investigation conducted by PKF. We identified the actions which we believe contributed to the initial complaint. We now understand why the complaint was made however we conclude that the subsequent actions by the council members do not amount to any misconduct as there was:

- (i) no intention to deceive any person; and
- (ii) no intention to illegally or deceitfully alter the outcome of the investigation conducted by PKF; and
- (iii) no change to the outcome of the investigation or the penalty once the full facts were identified and properly considered.

The identified actions which contributed to the complaint included:

- (i) multiple council investigations being conducted by PKF concurrently which were then discussed in the same meetings; and
- (ii) an email drafted by [REDACTED] and subsequently sent by [REDACTED] to Phil BATTY dated 21/04/2023 which inadvertently refers to the incorrect investigation (not related to the complaint of Phil BATTY); and
- (iii) an exchange of correspondence between [REDACTED] and Phil BATTY which inadvertently refers to the incorrect investigation (not related to the complaint of Phil BATTY); and
- (iv) the choice of methodology used by the PKF investigator to amend the first report dated 06/02/2023 instead of simply producing an addendum report which would have been dated 06/03/2023; and
- (v) the choice of terminology used within certain correspondence and documents which referred to the questions asked by Phil BATTY as “new information” instead of “questions” .

(2) We conclude that, with the entirety of information that we have now investigated and reviewed from the Whitsunday Regional Council and Mr Philip BATTY, we are satisfied that there is no evidence to support the claim of misconduct on behalf of council members who oversaw the initial complaint and subsequent investigation against councillor [REDACTED].

IN CONCLUSION:

We have provided certain recommendations (predominantly based upon training) for the WRC executive team for your consideration.

You have our permission to disseminate this letter (or part thereof) to any person you deem necessary including (but not limited to) Mr BATTY.

Thank you for your instructions in this matter and we have now closed our file pending any further instructions.

Yours faithfully,

Garry Sweet (ANSIC Pty Ltd)

Snr Investigation Consultant

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