

## DISCUSSION/CURRENT ISSUE

Extract: PKF Integrity, Whitsunday Regional Council Investigation Report: Councillor Conduct Investigation 9 February 2023.  
Note: Personal identifying information has been removed to protect the identity of employees and members of the public involved in accordance with Information Privacy Act 2009.

### Allegation

The information referred to by the OIA alleged that Councillor Brunker 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.

- Unauthorised use of Council resources by using a Council email address for communication through his candidacy Facebook page during an election period

### Facts

July/August 2022 was the by-election period for the role of Mayor of Whitsunday Regional Council. Councillor Brunker was Acting Mayor during this period and a candidate for Mayor. Councillor Brunker's Council email address appeared on his Facebook page during the by-election period. Councillor Brunker's Facebook page was titled "Michael Brunker – Mayoral Candidate for Whitsundays" from 11 June 2022 – 12 September 2022

### Breach

Council Facility and Expenses Policy Part 2.2 and Section 150K(1)(b) of the Local Government Act 2009 (QLD)

### Findings

There is sufficient evidence to establish on the balance of probabilities, that the alleged conduct did occur. The allegation is substantiated.

### Relevant mitigating

- Councillor Brunker was Acting Mayor during the by-election period.
- In his position as Acting Mayor, Councillor Brunker was representing the region through a devastating triple murder that was reporting in the media on 5 August 2022
- It was and is common practice for Councillors to use their Council email address on their Councillor Facebook pages.
- Councillor Brunker was forthcoming with his responses during interview. He advised that if his email was on his Facebook page during the by-election period that it was an oversight on his part.

### Considerations

Given the administrative nature of the matter and the mitigating circumstances, it is recommended that any consequence should be commensurate with the circumstances. Noting that the Deputy Assessor states in his letter of 22 August 2022: Section 150AG prescribes that after conducting the investigation, the Council must decide whether the councillor has engaged in inappropriate conduct and what action, if any the Council will take to discipline the councillor. Section 150AG of the Local Government Act 2009 (QLD) requires the local government to make a determination as to whether the councillor has engaged in inappropriate conduct and, if so, decide what action to take. Section 150AH of the Local Government Act 2009 (QLD), as defined at the front of this report, provides a list of actions the local government may take, which includes to make an order to take no action.

Extract: Inappropriate conduct – disciplinary action guideline

This is page 38 of the Agenda of Council's Ordinary Council Meeting - 22 February 2023