

S5.121 - COUNCILLOR CONDUCT COMPLAINTS REGISTER



Date	Name of Councillor	Complainant Name	Description of Minor Breach	Action Taken
10/11/2015	Cr Darryl Trease	Mr Michael Foley, CEO	Use of Council letterhead for personal gain	Found Cr Trease had breached Regulations 7(1)(a) and 8. Cr Trease required to apologise to fellow Councillors at next Council meeting (25/11/15).  <b>This occurred after item 14 of the agenda.</b>
16/03/2017	Cr Rod Henderson	Mr Michael Foley, CEO	Inappropriate use of Council letterhead and improper use of his office as a Councillor to obtain advantage for another person	Found Cr Henderson had breached Regulations 7(1)(a) and 8(b). Cr Henderson to be censured. Notice of public censure to be published in the first 15 pages of 'The West Australian' and 'The Echo' within the period of 29 to 43 days from the day following the date of service of the Order to Cr Henderson.  <b>Notice in The West on 10/05/17 and The Echo on 15/05/17.</b>
16/05/2018	Cr Andrew Kiely	Cr Kevin Bailey	Improper use of his office as Councillor when he circulated certain correspondence originally sent to the Minister for LG to members of the public; and following such public disclosure, refused to provide a copy of the correspondence to Mayor Lucas and his fellow Councillors	Found Cr Kiely had breached Regulation 7(1)(b). Cr Kiely to undertake training within 4 months of the date of this Order. Cr Kiely to undertake: <ol style="list-style-type: none"> <li>1) the training course for Elected Members 'Serving on Council' provided by WALGA for a period of no less than 7 hours; or</li> <li>2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 7 hours.</li> </ol> Training to be completed by 22 June 2019.

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				<p>Cr Kiely completed 'Professionally Speaking Course' 11 of June 2019.</p> <p>SAT Direction hearing on 8 November 2019.</p> <p><b>'Serving on Council' Training was undertaken on 4-5 November 2019.</b></p>
23/08/19	Cr David Lucas	Ms Rosemary Bezu	Improper use of his office as Councillor when sent an e-bulletin in March 2019 to Swan Valley and Regional Networks addressed to Altone Ward residents, in relation to candidates for the next occurring Local Government By-Election in the City's Altone ward	<p>Found Cr Lucas had breached Regulation 7(1)(b). Cr Lucas to undertake training:</p> <ol style="list-style-type: none"> <li>1) the training course for Elected Members 'Serving on Council' provided by WALGA for a period of no less than 15 hours; or</li> <li>2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 10 hours.</li> </ol> <p>Training to be completed by 6 December 2019.</p> <p><b>'Serving on Council' Training was undertaken on 4-5 November 2019</b></p>
29/05/2019	Cr Claire Scanlan	Cr Maria Haynes	Involved with an operational matter by allegedly entering into private negotiations with a tenant of the City and agreeing a commercial outcome including documenting terms and obtaining the signature of the owner.	<p>Found Cr Scanlan had breached regulation 9. Cr Scanlan to undertake training:</p> <ol style="list-style-type: none"> <li>1) the training course for Elected Members 'Serving on Council' provided by WALGA for a period of no less than 15 hours; or</li> </ol>

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				<p>2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 10 hours.</p> <p>Training to be completed by 15 May 2020.</p> <p><b>'Serving on Council' Training was undertaken on 12 March 2021.</b></p>
6/03/2020	Cr Tanya Richardson	Mr Peter McLean	Abused authority as a Councillor to gain unauthorised access to an AGM of the Ellenbrook Community Collective held on 4 February 2020.	<p>Found Cr Richardson had breached Regulation 7(1)(b) and is required to make a public apology to Mr McLean and others of the Ellenbrook Community Collective at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</p> <p><b>The apology was heard at the Ordinary Meeting of Council 18 November 2020.</b></p>
9/03/2020	Cr Cate McCullough	Cr Ian Johnson	Failure to declare an impartiality interest in relation to the Mayoral Election 2019.	<p>Found Cr McCullough had breached regulation 11 and is required to undertake training within 4 months of the date of this Order. Cr McCullough to undertake:</p> <p>1) the training course for Elected Members "Conflicts of Interest" provided by WA Local Government Association (WALGA) for a period of no less than 3.5 hours, attending either in person or via e-learning; or</p>

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				<p>2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 3.5 hours.</p> <p>Training to be completed by 21 January 2021.</p> <p><b>'Conflicts of Interest' Training was undertaken on 21 November 2020.</b></p>
12/03/2020	Cr Rashelle Predovnik	Mr Michael Foley, CEO	Involved herself in the administration of the City by approaching owners of certain properties within the City with rates arrears and discussing the arrears and payment of the same with those owners.	<p>Found Cr Predovnik had breached regulation 9. Cr Predovnik required to undertake training within 7 months of the date of this Order. Cr Predovnik to undertake:</p> <p>1) the training course for Elected Members "Understanding Local Government" provided by WA Local Government Association (WALGA) for a period of no less than 4 hours; or</p> <p>2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 4 hours.</p> <p>Training to be completed by 13 November 2020.</p> <p>Amended Panel Sanction dated 23/10/20 - undertake training within seven months of the date of the original order. Training to be completed by 13 February 2021.</p>

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Date	Name of Councillor	Complainant Name	Description of Minor Breach	Action Taken
				<b>'Understanding Local Government' Training was undertaken on 15 February 2021.</b>
13/03/2020	Cr Tanya Richardson	Mr Timothy Clarke	Abused authority as a Councillor to try and gain unauthorised access to an AGM of the Ellenbrook Community Collective held on 4 February 2020.	Found Cr Richardson had breached regulation 7(1)(b) and is required to make a public apology to Mr Clarke and others of the Ellenbrook Community Collective at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.  <b>The apology was heard at the Ordinary Meeting of Council 18 November 2020.</b>
17/03/2020	Cr Tanya Richardson	Cr Cate McCullough	Made comments that were allegedly derogatory and reflected adversely on another council member at the Ordinary Council Meeting of 11 March 2020	Found Cr Richardson had breached regulation 4 and 7(1)(b) and is required to make a public apology to Cr McCullough at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.  <b>The apology was heard at the Ordinary Meeting of Council 16 December 2020.</b>
2/07/2020	Cr Tanya Richardson	Mr Timothy Clarke	Called another council member a liar at the Ordinary Council Meeting of 11 March 2020	Found Cr Richardson had breached regulation 4 and 7(1)(b) and is required to undertake training within 4 months of the date of this Order. Cr Johnson to undertake: 1) the training course for elected members 'Dealing with conflict' provided by WALGA for a period of no less than 7.5 hrs either in person or via e-learning; or

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				2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 7.5 hours.  <b>'Dealing with Conflict' training was undertaken on 8 October 2021</b>
26/06/2020	Cr Ian Johnson	Mr Michael Foley, CEO	At the Agenda Forum held on 24 June 2020, disagreed with and repeatedly interrupted the presiding member	Found Cr Johnson had breached regulation 7(b) and is required to undertake training within 4 months of the date of this Order. Cr Johnson to undertake: 1) the training course for Elected Members "Dealing with Conflict" provided by WA Local Government Association (WALGA) for a period of seven and a half (7.5) hours; or 2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a similar duration, but for a period of at least five (5) hours.  Training to be completed by 5 March 2021.  <b>Training was previously undertaken on 23 September 2020</b>
20/07/2020	Cr Bryce Parry	Cr Jennifer Catalano	Published a Facebook post about the City's budget and sought to cause detriment to three of his fellow councillors in doing so.	Found Cr Parry had breached Regulation 7(1)(b) and is required to undertake training within four (4) months of the date of this Order. Cr Parry to undertake:

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				1) the training course for Elected Members "Effective Community Leadership" provided by WA Local Government Association (WALGA) for a period of 7.5 hours; or 2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a similar duration, but at least 5 hours.  Training to be completed by 21 April 2021  Amended Panel Sanction dated 3/02/21 - undertake training by 30 September 2021  <b>'Effective Community Leadership' Training was undertaken on 10 September 2021.</b>
20/07/2020	Cr Mel Congerton	Cr Jennifer Catalano	Published a Facebook post about the City's budget and sought to cause detriment to three of his fellow councillors in doing so.	Found Cr Congerton had breached Regulation 7(1)(b) and is required to undertake training within four (4) months of the date of this Order. Cr Congerton to undertake: 1) the training course for Elected Members "Effective Community Leadership" provided by WA Local Government Association (WALGA) for a period of 7.5 hours; or 2) a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a similar duration, but at least 5 hours.

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				<p>Training to be completed by 6 May 2021</p> <p>Amended Panel Sanction dated 3/02/21 - undertake training by 30 September 2021</p> <p><b>'Effective Community Leadership' Training was undertaken on 10 September 2021.</b></p>
23/07/2020	Cr Cate McCullough	Cr Jennifer Catalano	Made a comment endorsing a Facebook post that made detrimental comments regarding Councillors.	<p>Found Cr McCullough had breached regulation 7(1)(b) and is:</p> <ol style="list-style-type: none"> <li>1) Required to make a public apology to at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</li> <li>2) Required within 4 months of the date of this Order to undertake the training course for Elected Members "Dealing with Conflict" provided by WA Local Government Association (WALGA) for a period of no less than 7.5 hours, attending either in person or via e-learning; or a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 7.5 hours.</li> </ol> <p><b>The apology was heard at the Ordinary Meeting of Council 17 February 2021.</b></p> <p><b>'Dealing with Conflict' training was undertaken on 8 October 2021</b></p>

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6/08/2020	Cr Tanya Richardson	Cr Kevin Bailey	Sent an email to a member of the public in which she made comments that discredited certain other councillors of the City.	<p>Found Cr Richardson had breached regulation 7(1)(b) and is:</p> <ol style="list-style-type: none"> <li>1) Required within two (2) months of being advised of the sum total of the remuneration and allowances payable by the City in relation to the Complaint, Cr Richardson shall pay to the City that amount.</li> <li>2) Required to make a public apology to at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</li> </ol> <p><b>The apology was heard at the Ordinary Meeting of Council 17 March 2021.</b></p> <p><b>The payment was made on 17 December 2021.</b></p>
7/08/2020	Cr Kevin Bailey	Cr Jennifer Catalano	Made disparaging comments about certain Councillors of the City to the Chief Executive Officer of the Midland Information Debt and Legal Advocacy Service	<p>Found Cr Bailey had breached regulation 7(1)(b) and is:</p> <ol style="list-style-type: none"> <li>1) Required to make a public apology to at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</li> <li>2) Required within four (4) months of the Date of this Order, to undertake the training course for Elected Members "Effective Community Leadership" provided by the WA Local Government Association for a period of seven and a half (7.5) hours; or a training course with substantially similar learning</li> </ol>

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				<p>outcomes provided by an alternative registered training organisation for a similar duration, but for a period of at least six (6) hours.</p> <p><b>The apology was heard at the Ordinary Meeting of Council 17 March 2021.</b></p> <p>Training to be completed by 25 May 2021</p> <p><b>'Effective Community Leadership' Training was undertaken on 10 September 2021.</b></p>
14/08/2020	Cr Kevin Bailey	Mr D Knight	Published an "Advertorial" in the Echo Newspaper which contained disparaging statements about the State Government	<p>Found Cr Bailey had breached regulation 7(1)(b) and is required to make a public apology at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</p> <p><b>The apology was heard at the Ordinary Meeting of Council 17 March 2021.</b></p>
1/03/2021	Cr Cate McCullough	Cr Ian Johnson	She asked certain questions of the Complainant which implied he was racist	<p>Found Cr McCullough had breached regulation 7(1)(b) and is required to make a public apology at the ordinary council meeting first occurring after the expiration of 28 days from the date of service of the Order.</p> <p><b>The apology was heard at the Ordinary Meeting of Council 15 December 2021.</b></p>