

# Councillor Conduct Register

## Office of the Chief Executive Officer



In accordance with section 150DX of the *Local Government Act 2009* (the Act), Council must maintain and publish a Councillor Conduct Register.

**Decisions** made by Council or the Councillor Conduct Tribunal / Independent Assessor relating to unsuitable conduct, inappropriate conduct, misconduct, corrupt conduct or a decision to take no further action against a Councillor.

Date of complaint	Subject Councillor <sup>1</sup>	Summary of Complaint	Decision Date	Summary of the decision and reason for the decision
14 July 2020	Not recorded	It was alleged a councillor directed staff or breached the acceptable request guidelines when they approached council staff advising them of jobs which needed completing within a park, the councillor was advised to submit a formal request to which they responded that it would be too much paperwork to do.	15 July 2021	<p>The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the Local Government Act 2009 [the Act] in that it was an unjustifiable use of resources to deal with the matter further.</p> <ul style="list-style-type: none"> <li>- Staff involved were interviewed stating they did not feel as if they were being directed more that the councillor was raising issues for their attention</li> <li>- The councillor involved stated they were following up on previous requests made by a customer.</li> </ul> <p>On the basis of the reasons listed above, to deal with the matter further was considered an unjustifiable use of resources.</p>
20 July 2020	Not recorded	It was alleged that a Councillor engaged in misconduct by breaching the Council's Acceptable Request Guidelines (approved 24 June 2020) contrary to section 170A of the Local Government Act 2009 (the Act).	19 March 2021	Following an investigation, the Independent Assessor, decided to take no further action on the complaint pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that to take any further action would be an unjustifiable use of resources. The breach in this case was of a technical nature.
15 March 2021	Not recorded <b>Matter C21-00177</b>	It is alleged a councillor has made disgusting and	19 April 2021	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the complaint

<sup>1</sup> Included if Council or conduct tribunal determined the Councillor engaged in inappropriate conduct of misconduct, or where the Councillor agrees to their name being included in the register pursuant to section

		derogatory comments in respect to a group of residents and in doing so may have breached a behavioural standard in the Code of Conduct		did not contain sufficient information to properly assess whether the conduct raised a reasonable suspicion of inappropriate conduct or misconduct.
5 October 2022	Not recorded Matter C22-00752	It is alleged the Councillor had historically failed to record details of their association with multiple organisations in the Councillor's register of interests.		OIA has not advised an outcome
12 December 2022	Not recorded Matter C22-00879	It was alleged that a councillor failed to declare a prescribed conflict of interest in a matter at an ordinary meeting of council on 26 October 2022. The matter before council concerned a decision to sell a councilowned asset to an external organisation. The councillor was said to be a director for the external organisation.	12 January 2023	After an investigation, the OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that further dealing with the matter would be an unjustifiable use of resources. Enquiries by the OIA found that the councillor was a member of the organisation's board by way of a council appointment. Section 150EF(2) of the Act provides that in these circumstances the matter is considered to be an 'ordinary business matter' and councillors are not required to declare a conflict of interest. However, it was found that the councillor failed to correct their councillor register of interests through the council's CEO within the required 30-day period. It was considered to be an unjustifiable use of resources to further deal with this matter for the following reasons: <ul style="list-style-type: none"> <li>• The change in interest was to remove an interest, rather than to add a new interest</li> <li>• The interest related to a board position that was from a local government appointment</li> <li>• The mayor was advised at the time of the interest change through an email</li> <li>• The councillor had provided the correct notification, albeit some four months after the due date.</li> </ul>
14 December 2022	Not recorded Matter C22-01131	It is alleged a Councillor engaged in inappropriate conduct towards another Councillor and the conduct may have breached a behavioural standard in the Code of Conduct for Councillors in Queensland.	24 May 2023	The OIA referred the matter back to Council with a recommendation about how to deal with the conduct of the Councillor, pursuant to section 150AC(3) of the Act. Following investigation, on the 24 May 2023, Council by Resolution <b>2023/75</b> decided - <ul style="list-style-type: none"> <li>• The Councillor did engage in inappropriate conduct pursuant to section 150AG of the Local Government Act 2009; and</li> </ul>

				<ul style="list-style-type: none"> <li>Pursuant to section 150AH of the Local Government Act 2009, no action be taken against the Councillor.</li> </ul>
27 April 2023	Not recorded Matter C23-00227	It is alleged a Councillor engaged in inappropriate conduct towards another Councillor during a break at a Council meeting.	11 May 2023	The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the Local Government Act 2009 [the Act] The OIA received information from a council officer who witnessed the interaction which suggested that taking further action would be an unjustifiable use of resources.
27 September 2023	Not recorded Matter C23-00512	It is alleged a Councillor breached the Code of Conduct for Councillors in Queensland 2.2 Not use abusive, obscene, or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public.	24 October 2023	Pursuant to section 150AC(3) of the Act the OIA recommend that in the first instance council consider dealing with this matter by way of early dispute resolution in lieu of an investigation.  The matter was resolved with an apology.

**Dismissed Complaints** about conduct of Councillors dismissed by the Independent Assessor.

Date of complaint	Subject Councillor <sup>2</sup>	Summary of Complaint	Decision Date	Summary of the decision and reason for the decision
09 July 2020	Not recorded Matter C/20/00491	It is alleged a Councillor in a meeting of a community group made comments that maligned current and former councillors of the North Burnett Regional Council when describing those councillors who had not worked for council previously as not knowing how council runs and that the former councillor for that area didn't know the community.	25 September 2020	The Independent Assessor 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. The OIA considered the complaint, advice received from the witness to the alleged conduct and the Councillor response to the 150AA Notice. Whilst the alleged comments made by Councillor about the current and former councillors were unnecessary, they did not meet the threshold of inappropriate conduct.

<sup>2</sup> Included where the Councillor agrees to their name being included in the register pursuant to section 150DZ(2) of the *Local Government Act 2009*.

		It was further alleged that the Councillor after the meeting offered to write a petition to council for the community group relating to the decision of council to direct funding to a project and requesting that funding be redirected towards a different project in the community		In relation to the second allegation, it was established that Council had already received a petition from the community relating to the direction of funding to another town project.
25 April 2020	Not recorded <b>Matters</b> <b>C/20/00291,</b> <b>C/20/00290,</b> <b>C/20/00292,</b> <b>C/20/00293</b>	It was alleged that four councillors breached the Councillors Code of Conduct for Queensland when making inappropriate and disparaging comments about Council staff in the presence of an external facilitator present.	1 May 2020	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources. The OIA has made the decision to provide a three-month amnesty to all first-time councillors and mayors in relation to allegations of inappropriate conduct and misconduct, except where the matter is serious. The councillors involved have been advised that had the amnesty not been in place this matter would have been assessed as potential inappropriate conduct based on a breach of the councillor code of conduct which requires councillors to treat council employees in a just and respectful manner.
18 March 2020	Not recorded	It is alleged a councillor was rude to members of the public who were campaigning for the local government elections	15 April 2020	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act). Taken into account were the councillor's response to a notice issued by the OIA under section 150AA of the Act, the fact that the councillor was not re-elected.
12 May 2021	Not recorded <b>Matters</b> <b>C/21/00315,</b> <b>C/21/00316</b> & <b>C/21/00317</b>	C/21/00315, C/21/00316 & C/21/00317  The complaint contained five broad allegations about three Councillors not adhering to the Local Government Act principles, arranging Police harassment, breaching human rights and wasting public money.	14 June 2021	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the complaint contained very broad allegations without sufficient details to assess. The complainant was asked to provide specific details about the conduct allegations but not provide details sufficient to raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor.

17 August 2021	Not recorded	C/21/00530, C/21/00531, C/21/00532  It is alleged three councillors had failed to respond to correspondence from a resident in relation to legal action the council is taking against the resident.	24 August 2021	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.  The OIA noted that the matter relating to the actions of Council and legal proceedings against the complainant was a civil matter and did not relate to the conduct, within the meaning of the Act, of the Councillors named in the complaint.
17 July 2021	Not recorded <b>Matter C21-00460</b>	It is alleged a councillor engaged in inappropriate conduct through the tone and language used in a request for information from council staff and the CEO.	12 January 2022	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as that further dealing with the complaint or information would be an unjustifiable use of resources. The tone of the request, by way of email, was open to interpretation.
3 December 2021	Not recorded <b>Matter C21-00847</b>	It is alleged a councillor had engaged in inappropriate conduct when the councillor tried to influence a process of council relating to a community awards nomination.	13 January 2022	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. Enquiries made with Council by the OIA found that the process had not been changed as alleged.
19 January 2022	Not recorded <b>Matter C22-00031</b>	It is alleged a councillor had breached the code of conduct for Councillors in Queensland when interacting with a resident about the Mayoral by election.	25 January 2022	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.
22 August 2022	Not recorded <b>No matter number assigned</b>	It is alleged a councillor engaged in inappropriate conduct when the Councillor attended a council facility that was dealing with a major incident.	31 August 2022	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. The OIA confirmed with Council that whilst the Councillor had not breached any behavioural standard or Council policy the Councillor's attendance at the work site during the time of the major incident may not have been advisable given that Councillor's should not be involving themselves in operational matters of Council.

## Withdrawn<sup>3</sup> Complaints

Date of complaint	Subject Councillor <sup>4</sup>	Summary of Complaint	Date Withdrawn
28 October 2020	Not recorded <b>Matter C20-00758</b>	It is alleged a Councillor engaged in inappropriate conduct having regard to the Code of Conduct for Councillors in Queensland. The Behavioural Standard requires that a Councillor will treat people in a reasonable, just, respectful and non-discriminatory way.	13 January 2021

### Revision History

Last Updated
19 March 2021
19 April 2021
16 July 2021
25 August 2021
13 January 2022
14 January 2022
26 January 2022
1 September 2022
12 January 2023
11 May 2023
23 May 2023
24 October 2023

<sup>3</sup> Suspected inappropriate conduct of a councillor in respect of which early resolution has been achieved, namely, that the matter has been resolved, and, as a consequence, pursuant to Council's *Investigation Policy*, the complaint has been withdrawn.

<sup>4</sup> Included where the Councillor agrees to their name being included in the register pursuant to section 150DZ(2) of the *Local Government Act 2009*.