

# Councillor Conduct Register

Chapter 5a Part 6 Division 1 Local Government Act 2009

(April 2020 - 2024)



Reference Number	Date of Complaint Section 150DZ(1)(a)	Summary of complaint Section 150DZ(1)(b)	Summary of decision and reasons for the decision Section 150DY92)(a)	1 Councillor Name Section 150DY(2)(b); Section 150DY(3)	Date of Decision Section 150DY(2)(c)	Orders Made	Decision Maker (meeting Chairperson and/or Agency)
<p>1. Only to be included if the Local Government or conduct tribunal decided that the Councillor engaged in inappropriate conduct or misconduct, or where the Councillor agrees to their name being included in the register (s150DY(3) Local Government Act 2009</p> <p>Note: The register is for complaints made post changes to the Local Government Act 2009 commencing 3 December 2018.</p>							
OIA Reference: C/20/00310: C/20/00312: C/20/00313: C/20/00317	7/05/2020	The OIA received five complaints that alleged, at a Council Ordinary Meeting a Councillor referred to ratepayers a ignorant.	The OIA dismissed this matter pursuant to section 150(a)(ii) of the Local Government Act 2009 as any breach of the Councillors Code of Conduct by a councillor in a council meeting is unsuitable meeting conduct and not within the jurisdiction of the OIA. It is the responsibility of the Chair of the meeting to deal with unsuitable meeting conduct in real time.	N/A	14/05/2020	Nil	Office of the Independent Assessor
OIA Reference: C/20/00359	23/05/2020	<p>It was alleged that a Councillor's Facebook page was not consistent with the social media guideline developed by the OIA/LGAQ and that the Councillor failed to moderate the page to remove disrespectful comments. It was alleged that the Councillor is a member of a Facebook page which promoted online trolling, abuse and harassment.</p> <p>It was alleged that a Councillor's Facebook page was not open to the community. It was alleged the Councillor was a member of a Facebook page that could be interpreted as they were not supportive of local media outlets.</p>	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing on the matter would be an unjustifiable use of resources. This decision was made consistent with the OIA's short term amnesty policy for new Councillors.</p> <p>It has been recommended to the Councillor to adopt the social media guideline developed by the OIA/LGAQ to assist with balancing the need to be accessible as an elected member and managing unacceptable or inappropriate social media activity by other people. The Councillor has also been advised that repeat complaints of a similar nature during the amnesty period will be progressed as normal.</p> <p>In relation to the Councillor's membership of the other Facebook page it is noted that the Councillors reasons for becoming a member of the page is open to interpretation and based on the information available to the OIA membership of this site does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor within the meaning of the Act.</p> <p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing on the matter would be an unjustifiable use of resources. This decision was made consistent with the OIA's short term amnesty policy for new Councillors.</p> <p>It has been recommended to the Councillor to adopt the social media guideline developed by the OIA/LGAQ to assist with balancing the need to be accessible as an elected member and managing unacceptable or inappropriate social media activity by other people. The Councillor has also been advised that repeat complaints of a similar nature during the amnesty period will be progressed as normal.</p> <p>In relation to the Councillor's membership of the other Facebook page it is noted that the Councillors reasons for becoming a member of the page is open to interpretation and based on the information available to the OIA membership of this site does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor within the meaning of the Act.</p>	N/A	9/06/2020	Nil	Office of the Independent Assessor

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Reference Number	Date of Complaint Section 150DZ(1)(a)	Summary of complaint Section 150DZ(1)(b)	Summary of decision and reasons for the decision Section 150DY92)(a)	1 Councillor Name Section 150DY(2)(b); Section 150DY(3)	Date of Decision Section 150DY(2)(c)	Orders Made	Decision Maker (meeting Chairperson and/or Agency)
OIA Reference: C/20/00360	25/05/2020	It was alleged that a Councillor was a member of a Facebook group which could be interpreted as not being supportive of local independent media.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act), on the basis that the conduct does not constitute inappropriate conduct or misconduct.</p> <p>The Facebook group was not related to Council matters and the reason for the Councillor becoming a member was not clear in the anonymously-made complaint, nor was the assumption that membership of the group meant the councillor was not supportive of independent media.</p>	N/A	10/06/2020	Nil	Office of the Independent Assessor
OIA Reference: C/20/00595	17/08/2020	It was alleged that a Councillor had engaged in misconduct when they failed to comply with a resolution of the Council to sign a contract and had used a process to repeal an earlier resolution of the Council, without giving proper notice to other councillors.	<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 allegation did not relate to the conduct of the councillor, as the decision had been delegated by resolution of Council.</p> <p><b>The process used by the councillor to repeal the Council resolution was compliant with the Local Government Regulation 2012.</b></p>	N/A	17/08/2020	Nil	Office of the Independent Assessor
OIA Reference C/20/00569	6/08/2020	It is alleged a Councillor made misleading statements to residents of a street about work being carried out by council on the street.	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct by a councillor.</p> <p>The OIA assessed the complaint to be about the operational functions and responsibilities of Council and its Chief Executive Officer and not those of the councillor and are therefore outside the jurisdiction of the QIA.</p> <p>There was not sufficient evidence to show that the councillor had knowingly misled the residents in this matter.</p>	N/A	24/08/2020	Nil	Office of the Independent Assessor