

# Councillor Conduct Register

Chapter 5a Part 6 Division 1 Local Government Act 2009  
(April 2016 - March 2020)



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/19/00223	4/12/2018	It is alleged the Councillor inappropriately influenced other Councillors to approve a development permit and threatened community members who expressed views against the approval of the development permit with increased regulatory action by the Council.	The OIA decided to dismiss the complaint pursuant to Section 150X(b)(iii) after investigation and on the basis that the complaint was lacking in substance.	n/a	28/05/2019	Nil	Office of the Independent Assessor
OIA Reference: C/19/00193	12/02/2019	It was alleged that a councillor behaved inappropriately and demonstrated bias in decision-making.	The OIA delegate decided to dismiss the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009 [the Act], on the basis that the complaint did not identify inappropriate conduct or misconduct within the meaning of the Act. The complaint related predominantly to the fairness of an administrative decision by a council officer, not a councillor.	n/a	19/02/2019	Nil	Office of the Independent Assessor
OIA Reference: C/19/00210	18/02/2019	It is alleged that a councillor engaged in inappropriate conduct in that the conduct contravened a local government policy, namely the "Douglas Shire Council Code of Conduct for Councillor's General Policy"	The OIA delegate decided to refer the conduct to Council to be dealt with in accordance with s322 of the Act.	n/a	30/07/2019	Nil	Council
OIA Reference: C/19/00762	5/09/2019	It was alleged a councillor breached the Code of Conduct for Councillors when he described a member of the public as a 'fool' on Facebook.	The OIA dismissed the complaint pursuant to section 150(c)(ii) of the Act. While the OIA does not condone the councillor referring to a member of the public in this way; it was noted that in the preceding posts the complainant had posted material which was highly offensive. In these circumstances the OIA considered that further dealing with this matter was not a justifiable use of resources.	n/a	18/10/2019	Nil	Office of the Independent Assessor
OIA Reference: C/19/00575	18/06/2019	It was alleged a Councillor failed to disclose a conflict of interest in relation to an agenda item at a Council meetings	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that following an investigation the OIA concluded the Councillor had not engaged in inappropriate conduct or misconduct. Relevant information had been disclosed to other Councillors and they had not determined that a real or perceived conflict of interest existed.	n/a	15/01/2020	Nil	Office of the Independent Assessor
OIA Reference: C/19/00801	24/09/2019	It was alleged a Councillor had failed to declare their personal interests in a matter in relation to an agenda item at a Council meeting involving a contract with an external party.	The OIA dismissed this matter pursuant to section 150Y(b)(i) as following an investigation, the information obtained did not raise a reasonable suspicion the Councillor had engaged in conduct which constituted inappropriate conduct, or misconduct. In particular, the personal interest of the Councillor had been made known to the meeting.	n/a	4/02/2020	Nil	Office of the Independent Assessor

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<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/20/00191	19/03/2020	It was alleged that a Councillor was using their Facebook page to promote election materials	<p>The OIA dismissed this matter pursuant to section 150X9a)(ii) of the Local Government Act 2009 as the conduct not does raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The OIA conducted inquiries with Council's Chief Executive Officer (CEO) about the management of the Council's Facebook page. The CEO advised that Council employees do not manage the page in question.</p>	n/a	3/04/2020	Nil	Office of the Independent Assessor