

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 150DY (2)(a)	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/20/00310: 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 as ignorant.	The OIA dismissed this matter pursuant to section 150(a)(ii) of the <i>Local Government Act 2009</i> 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 <i>Local Government Act 2009</i> (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 <i>Local Government Act 2009</i> (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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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 <i>Local Government Act 2009</i> (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 <i>Local Government Act 2009</i> (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>The process used by the councillor to repeal the Council resolution was compliant with the Local Government Regulation 2012.</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 <i>Local Government Act 2009</i> 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 OIA.</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
OIA Reference C/20/00486	06/07/2020	It is alleged that a Councillor breached Section 150 K 1 (a) of the Local Government Act in that the conduct may involve a breach of the behavioural standard of the Code of Conduct for Councillor in Qld	<p>Notice to Defer: Having considered all the information involved, including the response from the subject councillor, the OIA reasonably suspect, pursuant to S 150 W9b), that the complaint involves inappropriate conduct and to refer the conduct to Local Government to be dealt with under Chapter 5A, Part 2, Division 5 of the Act.</p>	N/A	27/10/2020	Nil	Douglas Shire Council

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OIA Reference C/20/00740	21/10/2020	<p>It is alleged: A councillor failed to disclose or declare an interest in a matter council had considered and delegated to the CEO to finalise.</p> <p>Released information that was confidential to council that was discussed in a council workshop consideration of a matter in a media release.</p> <p>Obstructed the Local Government Principles and responsibilities of a councillor in relation to Councils consideration of the matter, and</p> <p>Lied to and withheld information from councillors.</p>	<p>The OIA decided to take no further action pursuant to section 150Y(b) (i) of the <i>Local Government Act 2009</i> (the Act) on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>There was insufficient evidence of a close personal relationship that could reasonably be said to give rise to a conduct of interest</p> <p>As the matter had been delegated to the CEO, in broad terms to finalise, the matter was not required to be brought back to council for its consideration.</p> <p>As a decision had already been made by the CEO the media release did not constitute a release of information that was confidential to council.</p> <p>There is no indication that the councillors have been lied to for had information withheld from them.</p>	N/A	3/11/2020	Nil	Office of the Independent Assessor
OIA Reference C/20/00369	27/05/2020	<p>It was alleged that a councillor released information that was confidential to the local government.</p>	<p>The OIA decided to take no further action pursuant to section 150Y9b) (iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources.</p> <p>In making this decision, the OIA had undertaken a full investigation and considered that there was conflicting witness information and the possibility that the confidential information was not disclosed could not be discounted.</p>	N/A	01/04/2021	Nil	Office of the Independent Assessor
OIA Reference C/20/00509	20/07/2020	<p>It was alleged that the Councillor had a conflict of interest or material personal interest in a matter and that the councillor influenced or attempted to influence a local government employee who is authorised to decide or otherwise deal with the matter to do so in a particular way.</p>	<p>Following an investigation, the Independent Assessor, decided to take no further actions pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> on the basis that the conduct does not meet the threshold of inappropriate conduct or misconduct.</p> <p>The OIA was not satisfied that the issue under consideration was a “matter” within the meaning of section 175I. Further the email sent was not directed to a specific decision maker and the language used did not clearly demonstrate that the councillor was asking council staff to decide or deal with a matter “in a particular way” within the meaning of section 175I of the Act.</p>	N/A	28/04/2021	Nil	Office of the Independent Assessor

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OIA Reference: C/21/00454	12/07/2021	<p>It is alleged a Councillor bullied, insulted and ridiculed a fellow councillor when the Councillor raised a matter in a council meeting.</p> <p>If was further alleged that the Councillor continued the conduct against the other Councillor in the media after the meeting.</p>	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> [the Act] as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA viewed the livestream video of the meeting where the alleged conduct occurred.</p> <p>It was evident from the robust discussion by all councillors that spoke to the matter that their opinions differ on the subject. In relation to the comments made by the Councillor in the media the Councillor's comments were consistent with what was said in the meeting in relation to the matter and did not meet the threshold of inappropriate conduct or misconduct.</p>	N/A	12/07/2021	Nil	Office of the Independent Assessor
OIA Reference: C/21/00453	09/07/2021	<p>It is alleged a councillor made a factually incorrect statement in a council meeting about a project.</p>	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources. It is reasonably open that the councillor's statement about a reduced timeframe to undertake a risk analysis related to delays in negotiations with a key stakeholder on a project which resulted in a contracted timeframe to finalise the direction of the project.</p>	N/A	22/07/2021	Nil	Office of the Independent Assessor
OIA Reference: C/20/00367	26/05/2020	<p>It was alleged that a councillor disclosed information what they knew, or should reasonably have known, to be information that was confidential to the local government.</p>	<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> ('the Act') on the basis that taking further action would be an unjustifiable use of resources. The information released by the councillor was first provided to during a councillor workshop and was marked confidential. However, it was subsequently discussed at a councillor workshop at a later date and at that time it was not marked confidential.</p> <p>The OIA considered council's Confidentiality Policy and noted inconsistencies about information provided during councillor workshops. The OIA also considered whether the information could be confidential on the basis that the information was commercial-in-confidence. It was noted that the information had the potential to reveal commercial-in-confidence information if read in conjunction with other information. Enquiries by the OIA determined that the other information was not available to the public and therefore the information released by the councillor was not capable of revealing commercial-in-confidence information. The OIA also considered whether the information could be confidential on the basis it was information about contracts proposed to be made by council. Whilst the information was about a proposed contract, the agenda item in question concerned the contract and it would have been impossible to discuss the matter without touching on this head of confidentiality.</p> <p>Given the above matters, the OIA considered it was not a justifiable use of resources to further investigate this matter.</p>	N/A	30/08/2021	Nil	Office of the Independent Assessor

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OIA Reference: C/20/00751	27/10/2020	It was alleged that the councillor had a conflict of interest in a matter and that the councillor influenced or attempted to influence a local government employee who is authorised to decide or otherwise deal with the matter to do so in a particular way.	Following an investigation, the Independent Assessor, decided to take no further actions pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that any further action would be an unjustifiable use of resources. The OIA was satisfied, following an investigation, that on the basis of the evidence gathered as to the nature, extent and significance of the relationship it did not clearly raise a declarable conflict of interest and therefore the councillor did not engage in influence within the meaning of the Act.	N/A	08/09/2021	Nil	Office of the Independent Assessor
OIA Reference: C/21/00651	29/09/2021	It is alleged a councillor engaged in inappropriate conduct and breached the Code of Conduct for Councillors in Queensland when he blocked a resident from accessing and commenting on the councillor's social media page.	This matter was dismissed pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with the complaint or information would be an unjustifiable use of resources. The councillor agreed that they had blocked the complainant from their official councillor Facebook site as they had felt harassed by the complainant's online behaviour. In this case neither the councillor or the complainant were able to provide a screenshot of the comments made that caused the complainant to be blocked. In dismissing the matter, it was taken into account that the complainant continues to have full access to council Facebook site and councils web site and so are not prevented from constructively engaging with and expressing views on local government issues.	N/A	02/11/2021	Nil	Office of the Independent Assessor
OIA C/21/00690 C/21/00698 C/21/00699	18/10/2021	It was alleged that a councillor acted improperly by agreeing to reimburse legal costs for a matter without resolution of the full council.	The Office of the Independent Assessor (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 considered the small sum of money involved, that council had recouped the money, and that advice had been given to the councillor, albeit incorrect, that the councillor had authorisation to agree to reimburse the legal costs.	N/A	22/12/2021	Ni	Office of the Independent Assessor
OIA C/21/00844 C/21/00845 C/21/00846	03/12/2021	It is alleged a councillor engaged in inappropriate conduct when the councillor posted on social media the councillor's views about a decision made in a council meeting about a council project. It was further alleged the councillor had released information confidential to council about the project when the council posted photos of the project on social media.	The OIA decided to take no further action pursuant to section 150Y9b) (iii) of the Local Government Act 2009 (the Act) on the basis that further dealing with the complaint was not a justifiable use of resources. The councillor did not disclose information that was confidential to Council. While generally other comments were not considered to meet the threshold of inappropriate conduct or misconduct it was considered that the councillor should have expressly acknowledged the majority council resolution rather than have impliedly done so.	N/A	10/01/2022	Nil	Office of the Independent Assessor

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OIA C/21/00275	22/04/2021	It was alleged that a Councillor failed to declare an interest in a matter that was discussed at a Council Workshop on 6 April 2021, when Council considered a recreational vehicle (RV) strategy for Mossman. It was further alleged that the Councillor argued against the strategy as it would impact on caravan parks in the region. The nature of the Councillor's interest was that their family operated a Caravan Park in a nearby town.	<p>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.</p> <p>In making this decision, section 150EQ(1)(b) of the Act was considered, which requires a councillor to have 'become aware' that they have a declarable conflict of interest in a matter (as opposed to the circumstances leading to it) at the time the obligation to declare the declarable conflict of interest arose, in order for the obligations contained in the other parts of section 150EQ to be enlivened.</p> <p>Whilst the OIA considered that the Councillor did have a declarable conflict of interest in the relevant agenda item, it was not considered they became aware of their conflict of interest until a later Council Meeting, where their conflict was raised by another Councillor. Following this meeting, it was noted that the Councillor declared their interest when the matter was considered by Council at subsequent meetings.</p>	N/A	29/03/2022	Nil	Office of the Independent Assessor