

## Councillor Conduct Register

Note: On 3 December 2018, the *Local Government Act (Councillor Complaints) and Other Legislation Amendment Act 2018*, took effect. To effect this change, all Councillor complaints received after 3 December 2018 are listed below.

Section of the Local Government Act 2009-Reference Number	Date of Complaint	Subject Councillor <sup>1</sup>	Summary of Complaint	Category of Conduct (Unsuitable Meeting Conduct, Inappropriate Conduct, Misconduct, Corrupt Conduct)	Referral (OIA, CCT,CCC)	Date of Decision	Summary of Decision and Reasons for Decisions
<sup>1</sup> Only to be included if the local government 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) <i>Local Government Act 2009</i> . Note: The register is for complaints made post changes to the <i>Local Government Act 2009</i> commencing 3 December 2018.							
150DX(1)(b)	3 December 2018	N/A	It was alleged that a Councillor released confidential information to council when he emailed council documents to a private email address to print and work on the documents.	Inappropriate Conduct	Office of Independent Assessor	27 May 2019	The OIA did not identify that any misconduct or inappropriate conduct occurred as the documents that were emailed by the Councillor were not documents that are defined as confidential to council under the relevant policy or confidential to council having regard to the operation of section 171(3). No further action was taken on

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							this complaint following investigation pursuant to 150Y(b)(i) of the Local Government Act 2009 (the Act)
150DX(1)(b)	3 December 2018	N/A	It was alleged that a Councillor directed Local government employees on 4 occasions between 16 September 2017 and 11 January 2018 by means of email in contravention of the Act and council policy.	Inappropriate Conduct	Office of Independent Assessor	27 May 2019	The OIA did not identify that any misconduct or inappropriate conduct occurred as the emails to local government employees were not framed as clear directions and were not perceived as such by the employees who received them. No further action was taken on this complaint following investigation pursuant to 150Y (b)(i) of the Local Government Act 2009 (The Act).
150DX(1)(b)	10 December 2018	N/A	It is alleged that the Councillor breached the code of conduct by not responding to correspondence and directing staff to contact other people.	Inappropriate Conduct	Office of Independent Assessor	30 January 2019	It was decided that the alleged conduct did not constitute inappropriate conduct or misconduct pursuant to section 150Y(b)(i) of the Local Government Act 2009.

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150DX(1)(b)	21 January 2019	N/A	The complainant alleged that written correspondence dated 11 December 2018 sent from the councillor to the complainant was inappropriate in tone.	Inappropriate Conduct	Office of Independent Assessor	30 January 2019	The OIA decided not to take further action in relation to the complaint on the basis of Section 150Y(b)(i) of the Local Government Act 2009, i.e. 'the conduct does not constitute inappropriate conduct or misconduct'.
150DX(1)(b)	1 February 2019	N/A	It was alleged that Scenic Rim Regional Council conducted works that took longer than communicated to complete which resulted in a loss of trade to the complainant's business. The complainant was denied a subsequent claim for that loss.	Inappropriate Conduct	Office of Independent Assessor	19 February 2019	The OIA delegate decided to dismiss the complaint about the conduct of the above-named councillors pursuant to Section 150X(a)(ii) of the Local Government Act 2009 [the Act], on the basis that the <i>conduct does not constitute inappropriate conduct or misconduct and is therefore not within the jurisdiction of the OIA.</i>
150DX(1)(b)	1 February 2019	N/A	It was alleged that at a Council meeting a councillor acted inappropriately when they voted	Inappropriate Conduct	Office of Independent Assessor	20 February 2019	The OIA dismissed the complaint about the councillor's conduct pursuant to Section 150X(a)(ii) of the Local

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			against an application.				Government Act 2009 [the Act] on the basis that the conduct did not raise a suspicion of inappropriate conduct or misconduct. It is also noted that the complainant formally withdrew their complaint subsequent to the OIA decision, but before receiving outcome advice.
150DX(1)(b)	30 January 2019	N/A	It was alleged that a Councillor had not personally responded to the complainant's correspondence and had therefore not fulfilled their duties as imposed by the Local Government Act 2009 'to act with due consideration of her constituents' interests'.	Inappropriate Conduct	Office of Independent Assessor	8 February 2019	The OIA delegate made the decision to take no further action and close the investigation as per Section 150Y(b)(i) of the Local Government Act 2009, i.e. <i>'the conduct does not constitute inappropriate conduct or misconduct'</i> . <i>The Councillor did refer the query to an appropriate section within Council, which did respond to the</i>

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							<i>complainant's concern</i>
150DX(1)(b)	28 February 2019	N/A	It was alleged that a councillor made inappropriate comments in a newspaper article which were perceived as being disrespectful to a member of the public.	Inappropriate Conduct	Office of Independent Assessor	21 March 2019	The OIA delegate dismissed the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009 [the Act], i.e. the councillor's conduct does not constitute inappropriate conduct or misconduct being satisfied that the councillor's comments were published out of the context in which they were provided and were not directed at the member of the public in question.
150DX(1)(b)	26 March 2019	N/A	It was alleged that a councillor advised a resident that Council would reimburse them for the costs of repairing their property following storm damage and costs were not subsequently paid.	Inappropriate Conduct	Office of Independent Assessor	5 April 2019	The OIA delegate made the decision to take no further action as it was unjustifiable use of resources as per Section 150Y(b)(iii) of the Local Government Act 2009. The complaint appeared to have

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							arisen from a misunderstanding in communication.
150DX(1)(b)	29 April 2019	N/A	It is alleged that a Councillor met with residents to provide instruction and "coaching" on how to oppose a material change of the use application. It is further alleged that a Councillor had entered the property of the complainant and threatened then with a fine.	Decision about Misconduct	Office of Independent Assessor		The OIA decided to dismiss the complaint pursuant to Section 150X©(ii) on the basis that taking further action would be an unjustifiable use of resources. Evidence provided by an independent witness did not support the first allegation. There is a lack of independent corroboration in relation to the second allegation and due to the incident being 4 years old, obtaining such evidence is unlikely.
150DX(1)(b)	10 May 2019	N/A	It is alleged that a councillor attempted to intentionally mislead a member of the public in a letter.	Inappropriate Conduct	Office of Independent Assessor	28 May 2019	The OIA decided to take no further action on the complaint pursuant to Section 150Y(b)(i) on the basis that the conduct does not

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							constitute inappropriate conduct or misconduct. The letter contained factual information relating to the role of councillors.

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