

Councillor Conduct Register

On 3 December 2018 the *Local Government Act 2009* (the Act) was amended requiring Council to maintain and publish a Councillor Conduct Register under section 150DX. This replaced a requirement under section 181A to keep a record of written complaints about councillor conduct or performance.

The Councillor Conduct Register records matters set out in section 150DX(1) relating to unsuitable meeting conduct, suspected inappropriate conduct, decisions about misconduct, conduct complaints dismissed by the Assessor, and decisions by the Assessor to take no further action.

A Councillor's name is only included if the local government or Councillor 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 (section 150DY of the Act). Information about a complaint which may be part of a public interest disclosure under the *Public Interest Disclosure Act 2010* is not available for review in the public register.

This is a record of eligible complaints received for the 2016-2020 Council term received from 3 December 2018.

Decisions – section 150DY

3 DECEMBER 2018 TO 2020 COUNCIL TERM		
Summary of Decision and Reason(s) for Decision Section 150DY(2)(a)	Name of Councillor Section 150DY(2)(b)*	Date of Decision Section 150DY(2)(c)
<p>It is alleged that a Councillor in processing and submitting complaints against another Councillor that were frivolous and or vexatious was unprofessional and caused the Councillor and their family stress and anguish.</p> <p>The Independent Assessor decided to take no further action as the Councillor's conduct did not constitute inappropriate conduct or misconduct pursuant to Section 150Y(b)(i) of the Act.</p> <p>The decision was made on the basis that a Councillor has a legislated obligation to report conduct matters of other Councillors. It was also found that some of the complaints were sustained and others found to have sufficient substance to raise an investigation.</p>	N/A	2 September 2019

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Dismissed complaints – section 150DZ

3 DECEMBER 2018 TO 2020 COUNCIL TERM			
Date of Complaint Section 150DZ(1)(a)	Summary of Complaint Section 150DZ(1)(b)	Why the complaint was dismissed Section 150DZ(1)(c)	Name of Councillor Section 150DZ(2)*
3 December 2018	It was alleged that a Councillor released information confidential to council when he emailed council documents to a private email address to print and work on the documents.	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 this complaint following investigation pursuant to 150Y(b)(i) of the Local Government Act 2009 (the Act)	N/A
3 December 2018	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.	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).	N/A
10 December 2018	It is alleged that the Councillor breached the code of conduct by not responding to correspondence and directing staff to contact other people.	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.	N/A

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3 DECEMBER 2018 TO 2020 COUNCIL TERM			
Date of Complaint Section 150DZ(1)(a)	Summary of Complaint Section 150DZ(1)(b)	Why the complaint was dismissed Section 150DZ(1)(c)	Name of Councillor Section 150DZ(2)*
21 January 2019	The complainant alleged that written correspondence dated 11 December 2018 sent from the councillor to the complainant was inappropriate in tone.	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'.	N/A
30 January 2019	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 their constituents' interests'.	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 complainant's concern.</i>	N/A
1 February 2019	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.	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>	N/A

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3 DECEMBER 2018 TO 2020 COUNCIL TERM			
Date of Complaint Section 150DZ(1)(a)	Summary of Complaint Section 150DZ(1)(b)	Why the complaint was dismissed Section 150DZ(1)(c)	Name of Councillor Section 150DZ(2)*
1 February 2019	It was alleged that at a Council meeting a councillor acted inappropriately when they voted against an application.	The OIA dismissed the complaint about the councillor's conduct pursuant to Section 150X(a)(ii) of the Local 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.	N/A
28 February 2019	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.	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 councillors comments were published out of the context in which they were provided and were not directed at the member of the public in question.	N/A
26 March 2019	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.	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 arisen from a misunderstanding in communication.	N/A

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29 April 2019	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 them with a fine.	The OIA decided to dismiss the complaint pursuant to Section 150X(c)(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.	N/A
10 May 2019	It is alleged that a councillor attempted to intentionally mislead a member of the public in a letter.	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 constitute inappropriate conduct or misconduct. The letter contained factual information relating to the role of councillors.	N/A
13 June 2019	The Councillor displayed bias toward a certain development application by imposing additional conditions upon another like development application.	The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct does not constitute inappropriate conduct or misconduct. After an investigation by the OIA, there was no evidence that the subject councillor had influenced the development application process or displayed bias.	N/A

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22 July 2019	<p>It was alleged that a councillor's conduct constituted inappropriate conduct or misconduct in relation to the following:</p> <ul style="list-style-type: none"> • phantom parking that was to be provided in conjunction with a new road construction, • the road construction which stole all of the off-road parking, and • the phantom pantechnicon that was the Council's mobile library. 	The OIA delegate made the decision to take no further action on this complaint pursuant to section 150Y(b)(i) on the basis that it does not constitute inappropriate conduct or misconduct. As the complaint related to Council decisions rather than specific councillor conduct, it does not fall under the OIA's jurisdiction.	N/A
22 July 2019	It was alleged a councillor was dishonest in sending an email to a community member in October 2016	The OIA decided to dismiss the complaint about the conduct of the councillor pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> on the basis enquiries determined the sending of the email by the councillor did not constitute inappropriate conduct or misconduct.	N/A
22 July 2019	It was alleged a councillor was dishonest in sending correspondence to a community member in February 2009, September 2010 and August 2010.	The OIA decided to dismiss the complaint about the conduct of the councillor pursuant to section 150X(a)(ii) and 150X(c)(ii) of the <i>Local Government Act 2009</i> on the basis enquiries determined the sending of two of the items of correspondence by the councillor did not constitute inappropriate conduct or misconduct and the councillor did not send the third item of correspondence.	N/A

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19 August 2019	It is alleged that a councillor and the Council has engaged in waste and extravagance in relation to bridge replacements along a road.	The OIA resolved to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 [the Act] on the basis that the complaint identified administrative decisions and actions and not councillor conduct and was therefore outside the jurisdiction of the OIA.	N/A
10 September 2019	It was alleged that a councillor did not declare a conflict of interest in relation to unspecified matters that Council considered relating to Urban Utilities. It is further alleged at a Council meeting the councillor declared a conflict of interest in the matter and remained in the room and voted.	The OIA dismissed the complaint pursuant to 150X(a)(ii) on the basis that the conduct complained of did not constitute inappropriate conduct or misconduct. In relation to the first allegation there was no specified decision or meeting date identified where a breach may have occurred and no details of a relationship or association that could be said to reasonably give rise to a conflict of interest. With regard to the second allegation the councillor and the non-conflicted councillors complied with section 175E of the <i>Local Government Act 2009</i> in disclosing and managing the interest in question.	N/A

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