

# Councillor Conduct Register

## Office of the Chief Executive Officer



In accordance with section 150DX of the *Local Government Act 2009* (the Act), Council must maintain and publish a Councillor Conduct Register.

**Decisions** made by Council of the Councillor Conduct Tribunal / Independent Assessor relating to unsuitable conduct, inappropriate conduct, misconduct, corrupt conduct or a decision to take no further action against a Councillor.

Date of complaint	Subject Councillor <sup>1</sup>	Summary of Complaint	Decision Date	Summary of the decision and reason for the decision
14 July 2020	Not recorded	It was alleged a councillor directed staff or breached the acceptable request guidelines when they approached council staff advising them of jobs which needed completing within a park, the councillor was advised to submit a formal request to which they responded that it would be too much paperwork to do.	15 July 2021	<p>The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the Local Government Act 2009 [the Act] in that it was an unjustifiable use of resources to deal with the matter further.</p> <ul style="list-style-type: none"> <li>- Staff involved were interviewed stating they did not feel as if they were being directed more that the councillor was raising issues for their attention</li> <li>- The councillor involved stated they were following up on previous requests made by a customer.</li> </ul> <p>On the basis of the reasons listed above, to deal with the matter further was considered an unjustifiable use of resources.</p>
20 July 2020	Not recorded	It was alleged that a Councillor engaged in misconduct by breaching the Council's Acceptable Request Guidelines (approved 24 June 2020) contrary to section 170A of the Local Government Act 2009 (the Act).	19 March 2021	Following an investigation, the Independent Assessor, decided to take no further action on the complaint pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that to take any further action would be an unjustifiable use of resources. The breach in this case was of a technical nature.
15 March 2021	Not recorded	It is alleged a councillor has made disgusting and	19 April 2021	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the complaint

<sup>1</sup> Included if Council or conduct tribunal determined the Councillor engaged in inappropriate conduct of misconduct, or where the Councillor agrees to their name being included in the register pursuant to section

		derogatory comments in respect to a group of residents and in doing so may have breached a behavioural standard in the Code of Conduct		did not contain sufficient information to properly assess whether the conduct raised a reasonable suspicion of inappropriate conduct or misconduct.
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**Dismissed Complaints** about conduct of Councillors dismissed by the Independent Assessor.

Date of complaint	Subject Councillor <sup>2</sup>	Summary of Complaint	Decision Date	Summary of the decision and reason for the decision
09 July 2020	Not recorded	It is alleged a Councillor in a meeting of a community group made comments that maligned current and former councillors of the North Burnett Regional Council when describing those councillors who had not worked for council previously as not knowing how council runs and that the former councillor for that area didn't know the community. It was further alleged that the Councillor after the meeting offered to write a petition to council for the community group relating to the decision of council to direct funding to a project and requesting that funding be redirected towards a different project in the community	25 September 2020	The Independent Assessor 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. The OIA considered the complaint, advice received from the witness to the alleged conduct and the Councillor response to the 150AA Notice. Whilst the alleged comments made by Councillor about the current and former councillors were unnecessary, they did not meet the threshold of inappropriate conduct. In relation to the second allegation it was established that Council had already received a petition from the community relating to the direction of funding to another town project.
25 April 2020	Not recorded	It was alleged that four councillors breached the	1 May 2020	The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 [the Act] on

<sup>2</sup> Included where the Councillor agrees to their name being included in the register pursuant to section 150DZ(2) of the *Local Government Act 2009*.

		Councillors Code of Conduct for Queensland when making inappropriate and disparaging comments about Council staff in the presence of an external facilitator present.		the basis that taking further action would be an unjustifiable use of resources. The OIA has made the decision to provide a three-month amnesty to all first-time councillors and mayors in relation to allegations of inappropriate conduct and misconduct, except where the matter is serious. The councillors involved have been advised that had the amnesty not been in place this matter would have been assessed as potential inappropriate conduct based on a breach of the councillor code of conduct which requires councillors to treat council employees in a just and respectful manner.
18 March 2020	Not recorded	It is alleged a councillor was rude to members of the public who were campaigning for the local government elections	15 April 2020	The OIA dismissed this matter pursuant to section 50X(c)(ii) of the Local Government Act 2009 (the Act). Taken into account were the councillor's response to a notice issued by the OIA under section 150AA of the Act, the fact that the councillor was not re-elected.
12 May 2021	Not recorded	C/21/00315, C/21/00316 & C/21/00317  The complaint contained five broad allegations about three Councillors not adhering to the Local Government Act principles, arranging Police harassment, breaching human rights and wasting public money.	14 June 2021	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the complaint contained very broad allegations without sufficient details to assess. The complainant was asked to provide specific details about the conduct allegations but not provide details sufficient to raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor.
17 August 2021	Not recorded	C/21/00530, C/21/00531, C/21/00532  It is alleged three councillors had failed to respond to correspondence from a resident in relation to legal action the council is taking against the resident.	24 August 2021	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The OIA noted that the matter relating to the actions of Council and legal proceedings against the complainant was a civil matter and did not relate to the conduct, within the meaning of the Act, of the Councillors named in the complaint.

## Withdrawn<sup>3</sup> Complaints

Date of complaint	Subject Councillor <sup>4</sup>	Summary of Complaint	Date Withdrawn
28 October 2020	Not recorded	It is alleged a Councillor engaged in inappropriate conduct having regard to the Code of Conduct for Councillors in Queensland. The Behavioural Standard requires that a Councillor will treat people in a reasonable, just, respectful and non-discriminatory way.	13 January 2021

### Revision History

Last Updated	Modified By
19 March 2021	Governance Policy & Risk Advisor
19 April 2021	Governance Policy & Risk Advisor
16 July 2021	Governance Policy & Risk Advisor
25 August 2021	Governance Policy & Risk Advisor

<sup>3</sup> Suspected inappropriate conduct of a councillor in respect of which early resolution has been achieved, namely, that the matter has been resolved, and, as a consequence, pursuant to Council's *Investigation Policy*, the complaint has been withdrawn.

<sup>4</sup> Included where the Councillor agrees to their name being included in the register pursuant to section 150DZ(2) of the *Local Government Act 2009*.