

Councillor Conduct Register – Post December 2018

Councillor Conduct Register - section 150DY

The following information is prescribed by section 150DY of the Local Government Act 2009 and includes decisions made by Council or the Councillor Conduct Tribunal relating to unsuitable meeting conduct, inappropriate conduct, misconduct, corrupt conduct or a decision to take no further action against a Councillor.

Councillor complaint relates to	Date the complaint was made	Summary of complaint	Reason for decision
Not Applicable	Friday, 11 January 2019	It was alleged the Councillor posted misleading and unnecessary comments on social media against the complainant	Council has closed this matter due to the complaint being withdrawn by the complainant.
Not Applicable	Saturday, 9 February 2019	It was alleged the Councillor posted and liked derogatory comments made on social media against the complainant.	Council has closed this matter due to the complaint being withdrawn by the complainant.
Not Applicable	Sunday, 10 February 2019	It was alleged that a Councillor had engaged in misconduct as defined in section 150L(b)(i) of the Act by posting comments on social media, in reference to outcomes by the former Tribunal, criticising the basis for and handling of previous complaints.	The matter was heard by the Councillor Conduct Tribunal and was not sustained as misconduct. The Tribunal found there was insufficient evidence to find a breach of trust.
Not Applicable	Tuesday, 12 February 2019	It was alleged that a Councillor had engaged in misconduct as defined in section 150L(b)(i) of the Act by posting comments on social media referring to another Councillors use of allocated funds in their Division and appeared to link this to an effect of allocation for their own Division.	The matter was heard by the Councillor Conduct Tribunal and was not sustained as misconduct. It was deemed the comments made could be considered as giving a misleading impression and this is inappropriate. It was not found the conduct reached the threshold for a breach of trust and misconduct.

Councillor Conduct Register - section 150DZ

The following information is prescribed by section 150DZ of the Local Government Act 2009 and relates to complaints about the conduct of Councillors dismissed by the Independent Assessor.

Date the complaint was made	Summary of complaint	Reason for decision
Friday, 8 March 2019	It was alleged a councillor failed to act on the complainant's concerns.	The OIA delegate made the decision to dismiss the complaint pursuant to Section 150X(a)(ii) as the conduct complained of does not constitute inappropriate conduct or misconduct within the meaning of the <i>Local Government Act 2009</i> .
Tuesday, 2 April 2019	It was alleged that a councillor posted comments on social media which threatened the anonymity of a complainant and, claimed the complainant was vexatious.	The OIA delegate made the decision dealing with the complaint would be an unjustifiable use of resources. This decision was made pursuant to Section 150X(c)(iii) of the <i>Local Government Act 2009</i> .
Tuesday, 2 April 2019	It was alleged that a Councillor falsely accused the complainant of misappropriating government funds and that doing so was an act of reprisal.	The OIA delegate dismissed the complaint under section 150X(c)(ii) of the <i>Local Government Act 2009</i> as an unjustifiable use of resources noting that while there was no misappropriation of government funds, the question of whether the use of government funds was appropriate was reasonably open on the facts. Furthermore no offence of reprisal was open on the facts of the matter.
Tuesday, 19 March 2019	It was alleged that in 2009, Councillors were complicit in "covering their own involvement by refusing to address a matter when it was returned to them". The matter in question related to a former councillor's application for development over a property in the Redland Shire and infrastructure fees triggered upon expiration of that application.	The OIA decided it would be an unjustified use of resources to investigate the matter as it was assessed by the CMC in 2009 as there was insufficient information to raise a reasonable suspicion of official misconduct. It was further dismissed in 2009 by an independent panel as circumstantial rather than substantive.
Thursday, 4 April 2019	It is alleged that a Councillor made comments in a published magazine article that were disrespectful to members of an association	The OIA dismissed the complaint pursuant to section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. Additional information obtained from the

	within the Redland City Council community.	subject councillor and an independent party provided that the published article was different to the quotes provided by the councillor. The original quotes did not raise a reasonable suspicion of inappropriate conduct or misconduct.
Thursday, 18 April 2019	It was alleged that a councillor engaged in conduct inappropriate to his position as a councillor by making inappropriate comments on social media as well as engaging in disrespectful commentary with a member of state parliament.	After an investigation the OIA delegate made the decision to dismiss the complaint pursuant to Section 150X(c)(ii) of the Local Government Act 2009 on the basis dealing further with the complaint would be an unjustifiable use of resources due to existing and past investigations into the same or similar conduct by the councillor.
Monday, 27 May 2019	<p>It was alleged a Councillor:</p> <ul style="list-style-type: none"> • Participated in a Facebook group discussion and accused another Facebook user of defamation and trial by social media; and • Used an alias Facebook account to post abusive and negative reviews on the complainant's business Facebook page 	The OIA delegate made the decision to dismiss the complaint on the basis that the conduct does not constitute inappropriate conduct or misconduct pursuant to Section 150X(a)(ii) of the Local Government Act 2009. It was further noted the latter allegation was not supported by any direct information or evidence.
Monday, 27 May 2019	It was alleged that a Councillor was overheard by a third-party making comments about the complainant which the complainant alleges were incorrect, defamatory and potentially damaging to the complainant's reputation and business.	The OIA delegate made the decision to dismiss the complaint on the basis that the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct, as per Section 150X(a)(ii) of the Local Government Act 2009.
Wednesday, 12 June 2019	It was alleged a councillor engaged in inappropriate conduct and/or misconduct on a number of occasions in relation to social media use, allegedly making a vexatious complaint to council about the complainant, an alleged information privacy breach and harassment of the complainant.	The OIA delegate made the decision to dismiss the complaint pursuant to section 150X(b)(i) of the Local Government Act 2009 on the basis that the complaint was itself vexatious. The allegations made were lacking in substance and mischievous. it is believed to have been made vexatiously.
Monday, 24 June 2019	It was alleged that the complainant had approval to present a petition at a Council meeting scheduled for June 2019, however the complainant was advised by Council that they were unable to present the petition as they had declared their intent to run in the 2020 Council election.	The OIA made the decision to dismiss the complaint on the basis that it was not inappropriate conduct or misconduct. The decision made not to allow the complainant to speak at a Council Meeting was within the Mayor's authority to make and was not inappropriate in the circumstances.

					21 August 2019	It was alleged that a councillor's attendance at the complainant's residence on a Sunday was door to door sales/canvassing and not permitted by ACCC legislation, and that the councillor's visit was 'grossly unacceptable'.	The OIA made the decision to dismiss the complaint pursuant to section 150X(a)(ii) on the basis that the conduct does not constitute inappropriate conduct or misconduct as it is defined by the Local Government Act 2009.
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Legislative changes

On 3 December 2018, the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018 took effect. As a result of these changes, Council was required to review its Councillor Complaints Register (this Register). To effect this change, all Councillor complaints received before 3 December 2018, will be located in the 'Councillor Complaints Register - Pre-December 2018', available on Council's website: www.redland.qld.gov.au.