

REDLAND CITY COUNCIL

Councillor Conduct Register – July 2019 – June 2020

Date of Complaint	Name of Councillor ¹	Summary of Complaint	Date of Decision	Decision	Reason for dismissal Section 150DZ	Reason for decision Section 150DY	Decision Maker
15.08.19	Paul Gleeson	It is alleged that on 30 June 2019, Councillor Gleeson engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009 (the Act), in that the conduct constituted a breach of trust placed in him as a councillor, either knowingly or recklessly.	15.12.19	Misconduct		The Tribunal has determined, on the balance of probabilities, that the allegation that, on 30 June 2019, Councillor Gleeson engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009 (the Act). The Tribunal has decided pursuant to s150AQ(1) of the Act that Cr Gleeson has engaged in misconduct and has decided to make the following orders or recommendations pursuant to s150AR(1)(b): a) pursuant to section 150AR(1)(b)(ii) of the Act, Cr Gleeson is reprimanded for the conduct; b) pursuant to section 150AR(1)(b)(i) of the Act, Cr Gleeson must make a public admission that he has engaged in misconduct, within 90 days of the date that a copy of this decision and orders is given to him by the Registrar; c) pursuant to section 150AR(1)(b)(iv) of the Act, that Cr Gleeson pay to the local government in the amount of \$700 within 90 days of the date that a copy of this decision and orders is given to him by the Registrar.	Councillor Conduct Tribunal
25.09.19		It is alleged that a councillor breached the trust placed in them as a councillor by posting statements to social media that were incorrect and had no factual basis.	05.05.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources as the subject councillor is no longer a councillor.		Office of the Independent Assessor
25.09.18	Paul Gleeson	It was alleged the Councillor engaged in misconduct as defined in section 176(3)(b)(ii) of the Act by posting intimidatory and unfitting comments on his social media page with a photograph containing personal information and names of certain individuals.	16.08.19	Misconduct		The matter was heard by the Councillor Conduct Tribunal and was <u>sustained</u> as misconduct. It was deemed the posting of the material was inconsistent with the obligation under section 12(3)(b) of the Act requiring all Councillors to provide a high quality leadership to the local government and community. The Tribunal has ordered pursuant to s150AR(1)(b)(ii) and (iv) of the Act, that Cr Gleeson: • Be reprimanded for the conduct; and • Pay to the local government, namely the Council, an amount of \$700, to be paid within two (2) months of the date of this Order	Councillor Conduct Tribunal
01.10.19		It is alleged a councillor breached the Redland City Council Acceptable Requests Guideline – Requests by Councillors for Assistance or Information (GL-3002-004) when interacting with council officers administering a council grants program.	02.12.19	Dismissed	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the information available to the OIA did not raise a reasonable suspicion of inappropriate conduct or misconduct.		Office of the Independent Assessor

¹ Only to be included if the local government or 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(3) *Local Government Act 2009*)

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01.10.19		It is alleged a councillor breached the Redland City Council Acceptable Request Guideline – Requests by Councillors for Assistance or Information (GL-3002-004) when interacting with council officers administering a council grants program.	02.12.19	Dismissed	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the information available to the OIA did not raise a reasonable suspicion of inappropriate conduct or misconduct		Office of the Independent Assessor
23.10.18	Paul Gleeson	It was alleged the Councillor engaged in misconduct as defined in section 176(3)(b)(ii) of the Act by verbally threatening another Councillor.	16.08.19	Misconduct		The matter was heard by the Councillor Conduct Tribunal and was <u>sustained</u> as misconduct. It was deemed the conduct was inconsistent with Council's Code of Content (Pol-0248) requiring Councillors to ensure that their personal conduct does not reflect adversely on Council's reputation and that their conduct must demonstrate respect for fellow Councillors. The Tribunal has ordered pursuant to s150AR(1)(b)(ii) and (iv) of the Act, that Cr Gleeson: <ul style="list-style-type: none"> • Be reprimanded for the conduct; and • Pay to the local government, namely the Council, an amount of \$700, to be paid within four (4) months of the date of this Order 	Councillor Conduct Tribunal
30.10.19		It is alleged that a councillor breached the trust placed in them as a councillor by posting statements to social media that were incorrect and had no factual basis.	05.05.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources as the subject councillor is no longer a councillor.		Office of the Independent Assessor
04.11.19		It was alleged that on 30 October 2019, a councillor left a member of the public two hostile voicemail messages in a threatening tone	22.04.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as further dealing on the matter will be unjustifiable use of resources. The Councillor in question was not re-elected in the 2020 local government election.		Office of the Independent Assessor
06.11.19	Paul Gleeson	It was alleged the Councillor engaged in misconduct as defined in section 176(3)(b)(ii) of the Act by posting comments on his social media page with reference to an individual's freedom of information application with Council.	16.08.20	Misconduct		The matter was heard by the Councillor Conduct Tribunal and was <u>sustained</u> as misconduct. It was deemed the disclosure of non-public details obtained by a Councillor in the course of his duties as a Councillor put the Council at risk of a possible contravention of the law. The conduct was deemed inconsistent with the local government principle that requires ethical and legal behaviour for Councillors and that Councillors are to provide high quality leadership to the local government and the community. The Tribunal has ordered pursuant to s150AR(1)(b)(ii) and (iv) of the Act, that Cr Gleeson: <ul style="list-style-type: none"> • Be reprimanded for the conduct; and 	Councillor Conduct Tribunal

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						• Pay to the local government, namely the Council, an amount of \$350, to be paid within five (5) months of the date of this Order	
13.11.19		It was alleged that a councillor posted a comment on Facebook which identified a complainant of a complaint lodged with the OIA and other related details.	03.12.19	Dismissed	The OIA delegate dismissed the complaint pursuant to section 150X(a)(ii) on the basis that it did not constitute inappropriate conduct or misconduct. This decision was based on what was disclosed was either already in the public arena, did not identify a complainant, or is not confidential at law.		Office of the Independent Assessor
14.11.19		It was alleged that a councillor posted a comment on Facebook which identified a complainant of a complaint lodged with the OIA and other related details.	03.12.19	Dismissed	The OIA delegate dismissed the complaint pursuant to section 150X(a)(ii) on the basis that it did not constitute inappropriate conduct or misconduct. This decision was based on what was disclosed was either already in the public arena, did not identify a complainant, or is not confidential at law.		Office of the Independent Assessor
21.11.19		That a Councillor posted an untruthful and/or misleading comment on social media relating to another Councillor being the instigator of a council decision to surrender trusteeship over the Teak Lane Nature Reserve	21.02.20	No Further Action		Following a full investigation 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. The councillor was not the instigator of the council decision to surrender trusteeship of Teak Lane Nature Reserve, but he did vote in favour of that matter at that time. The OIA acknowledged however that subsequent to that vote the Councillor has been engaged with the community and strongly opposed the development of that reserve.	Office of the Independent Assessor
25.11.19		It is alleged that a Councillor misused Council resources to benefit their own re-election campaign. It is alleged that the councillor used their Divisional Newsletter to highlight achievements from throughout the Council term.	18.12.19	Dismissed	The complaint was dismissed pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct		Office of the Independent Assessor
25.11.19		It was alleged that on 30 October 2019, a councillor called a member of the public on the phone and the councillor abused the member of the public verbally, including swearing constantly and threatening another person	22.04.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as further dealing on the matter will be unjustifiable use of resources. The Councillor in question was not re-elected in the 2020 local government election		Office of the Independent Assessor
28.12.19	Paul Gleeson	It was alleged the Councillor engaged in misconduct as defined in section 150L(b)(i) of the Act by posting inappropriate comments on his social media page.	16.08.20	Misconduct		The matter was heard by the Councillor Conduct Tribunal and was <u>sustained</u> as misconduct. It was deemed that the conduct did not show respect for members of the public, and the behaviour failed to maintain the dignity of the office of councillor.	Councillor Conduct Tribunal

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						<p>It was considered that due to the disciplinary history of the councillor involving social media misuse and the previous training specifically provided on social media use, that the conduct as alleged was reckless, and properly characterised as a breach of trust rather than inappropriate conduct.</p> <p>The Tribunal orders pursuant to s150AR(1)(b)(ii) and (iv) of the Act, that Cr Gleeson:</p> <ul style="list-style-type: none"> • Be reprimanded for the conduct; • Pay to the local government, namely the Council, an amount of \$350, to be paid within six (6) months of the date of this Order 	
08.01.20		It is alleged that a Councillor posted an untruthful and/or misleading post on social media relating to a parliamentary speech and questioned the independence of the OIA	26.02.20	No Further Action		The OIA decided to take no further action pursuant to section 150X(c)(ii) of the Local Government Act [the Act] on the basis that taking further action would be an unjustifiable use of resources as the post was incorrect rather than misleading in relation to the parliamentary speech. In relation to the OIA, it is not an appropriate use of the Independent Assessors discretion to commence proceedings where it is foreseeable that the OIA would be both prosecutor and witness.	Office of the Independent Assessor
16.01.20		It is alleged that a Councillor posted a comment on the Redlands2030 Facebook page which may be considered misleading, with the potential to undermine public confidence in government institutions and processes.	24.01.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as it was not considered to be a justifiable use of resources with consideration to other matters of priority for the OIA, the content of the post and the duration for which the subject post was available for.		Office of the Independent Assessor
27.02.20		It was alleged that a Councillor ignored Council's policy of inclusion when the Councillor put forward a proposal for Council to enter into an agreement with a community group to manage Council owned property.	09.03.20	No Further Action		<p>The OIA 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.</p> <p>A resolution was considered by Council and a decision was made to adopt the resolution.</p>	Office of the Independent Assessor
19.03.20		It is alleged that a councillor breached the trust placed in them as a councillor by posting statements to social media that were incorrect and had no factual basis.	05.05.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(iii) of the Local Government Act 2009 [the Act] on the basis that taking further action would be an unjustifiable use of resources as the subject councillor is no longer a councillor.		Office of the Independent Assessor
15.04.20		It was alleged a councillor had negotiated an agreement with a land owner which had restricted the use of an allotment and had caused a	20.05.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.		Office of the Independent Assessor

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		material change of use application to be delayed and subsequently refused. The councillor was also alleged to have made false complaints about a business that had contributed to the material change of use application to be delayed and refused.			<p>No formal agreement was identified on the allotment nor was any such agreement considered by the council decision-maker on the matter.</p> <p>The councillor had not made direct complaints about the applicant's business but had directed complaints made by members of the community, which were received by the Councillor's office to the relevant council decision makers in accordance with council policy and procedures.</p>		
05.05.20		It is alleged that a councillor supplied information to the Office of the Independent Assessor and Councillor Conduct Tribunal that was false or misleading	05.05.20	No further Action		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. The information supplied was incorrect but could have arisen from a misunderstanding of terminology. The OIA also took into account that the subject councillor is no longer a councillor.	Office of the Independent Assessor
21.05.20		It is alleged a Councillor made a complaint about a member of the public to their employer, putting the resident's employment in jeopardy. The Councillor's complaint was about a Facebook post by the resident, raising a conflict of interest issue regarding the Councillor's privately owned business.	05.06.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing on the matter would be an unjustifiable use of resources.</p> <p>The decision was made consistent with the OIA's short term amnesty policy for new Councillors</p> <p>The amnesty is provided in some instances on the basis that first-time councillors are in the process of learning how to properly conduct themselves as an elected official. This amnesty is intended to extend to new councillors, only for less serious matters, who would be considered to benefit from caution and guidance when being subject to a first-time conduct complaint.</p> <p>The Councillor was provided guidance and warned that further complaints of a similar nature during the period would be treated as normal.</p>		Office of the Independent Assessor
30.05.20		It is alleged a councillor has responded to a text message from the president of community organization in relation to an extension of a leasing arrangement with council and threatened the organizations ability to apply for future grant funding from council	29.06.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the conduct did not raise a suspicion of inappropriate conduct or misconduct.</p> <p>The text message, considered alone, could have been interpreted as containing a veiled threat, however, it could also be interpreted as benign.</p>		Office of the Independent Assessor

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					The councillor responded to a 150AA Notice from the OIA which showed a broader range of communication between the councillor and the organisations president. The communications showed a pattern of support by the councillor in advocating to Council on behalf of the community organization in relation to the extension of its leasing arrangement with Council		
02.06.20		It is alleged that a Councillor posted on their official Facebook page and on their website about a development application that was approved by Council, referring to the development as inappropriate and that it will have significant and unreasonable impact on the community.	30.06.20	Dismissed	<p>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.</p> <p>The Councillor acknowledged at the beginning of the posts on both Facebook and the website that the decision by Council to approve the development was made under the new City Plan. The Councillor appeared to be expressing disagreement with the new plan and had stated that this is the Councillor's own opinion.</p> <p>Therefore, the Councillor has complied with behavioural standards 3.1 and 3.2 of the code of conduct, which allow the Councillor to have their view, provided they have acknowledged the decision of council and made it clear that their comments were their own personal opinion.</p>		Office of the Independent Assessor