

REDLAND CITY COUNCIL

Councillor Conduct Register – July 2020 – June 2021

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
21.06.19		<p>It was alleged that a Councillor had: Acted impartially or dishonestly in relation to their consideration and bias against the removal of Tree Protection Orders</p> <p>Did not declare a material personal interest or a conflict of interest in a council decision concerning development of land where either they or a family member had a financial interest</p>	31.08.20	Dismissed	<p>After an investigation into these matters, the OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as investigations did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>No witnesses were identified who could corroborate that the councillor had made alleged statements evidencing their bias against the removal of Tree Protection Orders.</p>		Office of the Independent Assessor
01.07.19		<p>It was alleged that a councillor influenced or attempted to influence council officers in relation to a matter namely a Material Change of Use ('MCU') application while having a material personal interest in the matter.</p>	19.05.21	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as after a full investigation it did not raise reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>There was no contact identified between the subject councillor and any council officer involved in the decision. There were no unaddressed concerns under the relevant planning provisions that would indicate that the decision was not properly considered.</p>		Office of the Independent Assessor
23.08.19		<p>It was alleged that a Councillor made inappropriate comments on a Facebook page.</p>	21.06.21	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(i) as the conduct the subject of the complaint is being dealt with by another agency.</p>		Office of the Independent Assessor
22.10.19		<p>It was alleged that after a councillor declared a conflict of interest in a matter at a councillor briefing session, they remained in the workshop and were involved in the discussion of the matter, therefore attempting to influence the decision whilst they had a personal interest in the matter. The matter related to the Proposed Environmental Major Amendment Package (04/19) to the Redland City Plan, and the Councillor declared a conflict in the matter on the basis that they lived in the area that would be impacted by the amendment package.</p>	10.02.21	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 within the meaning of the Act. This decision was made on the basis that the Proposed Environmental Major Amendment Package (04/19) was a proposed amendment to the Redland City Plan (a planning scheme), and therefore is captured by the definition of an <i>ordinary business matter</i> under the Act (as it then applied at the relevant time). In accordance with section 175C and section 175E of the Act (as it then was), the requirement for councillors to declare a conflict of interest or material personal interest at a meeting does not apply for matters which are ordinary business matters. Consequently, section 175I of the Act (as it then was), being the offence for a councillor with a material personal interest or conflict of interest to influence others, did not apply.</p>	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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22.10.19		It was alleged that a Councillor influenced the contents of a Council General Meeting report related to the Proposed Environmental Major Amendment Package (04/19). It was alleged that the Councillor requested that council officers prepare a case study to compare the development assessment requirements and processes that would be required by a resident if changes were to be made under the proposed Amendment Package. In this request to officers, the Councillor asked for their own property to be used as the example and requested that it was de-identified. It was further alleged that when the information was later presented by a council officer to councillors at a briefing session, the Councillor implied that they were not aware that their property scenario was going to be included in the report that was to be considered by Council at a General Meeting.	10.02.21	No further Action		<p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 (the Act) as taking further action would be an unjustifiable use of resources.</p> <p>It is noted that the Amendment Package was a proposed amendment to the Redland City Plan (planning scheme), and therefore is defined as an <i>ordinary business matter</i> under the Act (as it then was). In accordance with section 175C and section 175E of the Act (as it then was), the requirement for councillors to declare a conflict of interest or material personal interest at a meeting does not apply for items which are ordinary business matters. Consequently, section 175I of the Act, being the offence for a councillor with material personal interest or conflict of interest to influence others, also did not apply. It is noted that the Councillor was not present at the General Meeting where council resolved to withdraw agenda item 19.1 - <i>Proposed Environmental Major Amendment Package (04/19)</i>.</p> <p>The OIA considered whether the Councillor's conduct in requesting that their property be included in a case study and de-identified, was dishonest or impartial, involved a misuse of information or contravened Council's Acceptable Request Guidelines. Based on enquiries undertaken with Redland City Council, the OIA was advised that this practice occurred from time to time. The practice is not inconsistent with Council's Acceptable Request Guidelines. The OIA considers that a councillor requesting their own property be included as a case study (and specifically requesting it was de-identified) was not good or ethical practice as it, at the very least, creates a perception that a Councillor's decision-making is being informed or influenced by how changes may impact the Councillor personally.</p> <p>The OIA has recommended the Redland City Council update their Acceptable Request Guidelines to specifically address this issue for the guidance of councillors and council staff moving forward.</p>	Office of the Independent Assessor
24.03.20 24.03.20 16.04.20		The OIA received three complaints from different complainants in relation to the same matter. Following assessment of these complaints the OIA investigated whether a Councillor who had declared a conflict of interest in a matter inappropriately influenced	02.03.21	Dismissed	Following an investigation, the OIA dismissed this matter pursuant to section 150X (c) (ii) of the Local Government Act 2009. Notwithstanding that the councillor declared a conflict of interest in relation to the matter an investigation did not support the existence of a clear conflict of interest. It follows that any		Office of the Independent Assessor

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		a council decision by proposing a motion that an application should be refused.			continued investigation into influence – is not a justifiable use of resources.		
18.06.20		It was alleged that a Councillor disclosed private information of residents in an email and that the Councillor still maintains such records in a diary and on a computer.	08.07.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009, on the basis that further dealing on the matter would be an unjustifiable use of resources. The complaint was made anonymously, and the alleged conduct could relate to a matter which has already been dealt with by the OIA		Office of the Independent Assessor
23.06.20		It was alleged that a councillor influenced or attempted to influence councillors or council officers in relation to a matter being the EECA project, whilst having a material personal interest in the matter.	19.05.21	Dismissed	The OIA dismissed these matters pursuant to section 150X(a)(ii) as after a full investigation it did not raise reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. An investigation did not identify any involvement in or influence of capital works prioritisation process or the process concerning the targeting of external funding opportunities sources such as government grants. Nor did the investigation identify any indirect influence undertaken by another on the subject councillors behalf.		Office of the Independent Assessor
23.06.20		It was alleged that a councillor failed to declare either a conflict of interest or perceived conflict of interest concerning consideration of a report to council on 19 June 2019.	19.05.21	Dismissed	The OIA dismissed these matters pursuant to section 150X(a)(ii) as after a full investigation it did not raise reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. Given that the matter under consideration was for noting only and related to decisions previously made by council officers under delegation, the outcome of which no councillor could affect or influence in that meeting it was not considered that the subject councillor had a conflict of interest in the matter as, consistent with the definition of conflict of interest in the Act, it was not a personal interest which <u>could have led to a decision</u> which was contrary to the public interest (the decision having already been made). The councillor did nonetheless raise an interest in the matter in brief terms.		Office of the Independent Assessor
25.06.20		It is alleged a councillor had influenced a Council application to a government capital works program for a project that abuts the councillors property.	15.07.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.		Office of the Independent Assessor

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					<p>Inquiries undertaken by the OIA confirmed that no councillors were involved in Council's recommendations to the state government department for funding.</p> <p>The proposed projects had to meet strict funding criteria one of which was that the project if approved could commence construction immediately and be completed by June 2021.</p> <p>The project met the funding criteria and was selected by Council Officers on that basis.</p>		
10.07.20		It is alleged a Councillor failed to keep local residents informed about the Moreton Bay Cycleway (MBC) project. That there were changes made in relation to the project but there were no community consultations between December 2012 and January 2020. It is alleged that council officers also failed to communicate with the local residents regarding the MBC project.	03.08.20	No Further Action		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 within the meaning of the Act. The Councillor's role is a strategic role and not an operational one, and it is the responsibility of council officers, not Councillors, to undertake formal consultation on council projects.	Office of the Independent Assessor
13.07.20		It was alleged that a Councillor misled the community by saying that a particular development was approved because of a change under the City Plan in 2018. The complainant's position is that the development would have been approved under the previous City Plan.	03.08.20	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009, on the basis that it would be an unjustifiable use of resources to take further action on the matter. Whether or not the development would have been approved under a previous iteration of the City Plan is at least partly subjective, and would depend on a range of factors – making it very difficult to ascertain and or to prove that the Councillors comments were incorrect and or misleading.		Office of the Independent Assessor
23.07.20		<p>It is alleged that a Councillor misused the personal information of residents and is keeping records of privileged information in a manner that is non-compliant with privacy legislation.</p> <p>It is also alleged that there are anomalies in a councillors council related expenses.</p>	18.08.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the <i>Local Government Act 2009</i>, on the basis that further investigation of the complaint was not a justifiable use of resources.</p> <p>Inquiries were undertaken with the council who have provided written advice that no anomalies have been identified with the councillors expenditure which is consistent with other councillors and within budget. Following specific training and counselling provided; no issues have been identified by council with the councillor's records management.</p> <p>The complaint was made anonymously, and the alleged conduct could relate to a matter which has already been dealt with by the OIA.</p>		Office of the Independent Assessor

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12.08.20		<p>It was alleged that a Councillor had misrepresented the views of some residents in relation to a council project and that the Councillor had failed to correctly follow policy and procedure and the resolution of Council.</p> <p>It was alleged that a Councillor had acted outside his roles & responsibilities under the Local Government Act 2009 in providing an email in 2017 which Council Officers had in turn taken as a direction.</p>	26.08.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) as the complaint does not raise a reasonable suspicion of misconduct or inappropriate conduct. The complaint relates to decisions of council.</p> <p>Undertaking consultation was the responsibility of council officers not the councillor, and the decisions made in relation to the project were decisions of the local government or council employees</p> <p>The email was viewed by the OIA and was not found to amount to a direction to council staff.</p>		Office of the Independent Assessor
24.08.20		It is alleged that a councillor had misused council resources through a council publication to promote the political campaign for a state election candidate, instead of showcasing improvements and plans for their division	02.09.20	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>The content published in the council publication was edited and approved by council officers. If the content was considered unacceptable or outside the bounds of acceptable material, the content would have been returned to the councillor for action. The article did not appear to be promoting a political campaign, but rather, promoted works that benefited the local government area.</p>	Office of the Independent Assessor
11.09.20		<p>It is alleged a Councillor:</p> <ol style="list-style-type: none"> 1) misled councillors, council planning officers in relation to the existence of a new master plan, when councillors and council officers were meeting to have confidential discussions about possible planning scheme changes 2) demeaned councillors, council planning processes and council officers to residents 3) shared the content of confidential planning deliberations with a developer in a telephone call and or in an email exchange which followed 	28.09.20	No Further Action		<p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The OIA formed the view that the Councillor was not trying to mislead councillors or council officers during discussions relating to the Thornlands Master Plan but rather did not have the same background/historical knowledge of the matter – and was mistaken.</p> <p>It was noted that in her email Councillor made it clear that they could not discuss details of the councils confidential discussions but that the councillor could accept information.</p> <p>While the councillor did share information relating to the process steps being taken and the timings of council meetings, and asked questions to clarify the councillors understanding of the matter - it was not</p>	Office of the Independent Assessor

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						considered that the councillor shared any information that was confidential to the local government	
13.10.20		It is alleged a councillor had made a complaint to council about an issue and had directed a council officer to take action on the issue.	23.10.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 (the Act) as further dealing with the complaint would be an unjustifiable use of resources.</p> <p>Having regard to the wording used and the circumstances of the “request” it was not considered that this was a clear case of directing a council staff member.</p> <p>Further Council’s Acceptable Request Guidelines allow Councillors to make a request of an employee that is similar in nature to requests that could be made by members of the public.</p>		Office of the Independent Assessor
25.09.20		It was alleged a Councillor had engaged in misconduct by sending a mass text message to the residents of Redlands and has made false and misleading comments in this text message.	26.10.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis further investigation would be an unjustifiable use of resources.</p> <p>The Councillor did not send a mass text message to the residence of Redlands, but a private message to a small number of individuals. Additionally, to prove that the comments made by the Councillor were untrue would involve an investigation into the conduct of the complainant and this is not a justifiable use of the OIA’s resources.</p>		Office of the Independent Assessor
13.11.20		It is alleged a councillor displayed aggressive behaviour towards other councillors in an informal meeting.	14.12.20	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X (c)(ii) of the Local Government Act 2009 as further dealing with this complaint would be an unjustifiable use of resources.</p> <p>The informal meeting was not recorded and there were conflicting accounts of the councillor’s behaviour.</p> <p>The OIA accepts that robust discussions may take place in meetings of councillors and the councillor has been reminded of the obligations contained in the Code of Conduct for Councillors in Queensland and the local government principles in the Act.</p>		Office of the Independent Assessor
22.12.20		It was alleged that a Councillor attempted to undermine the integrity of another Councillor and distributed false and defamatory comments about	3.2.21			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	Office of the Independent Assessor

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		the Councillor in correspondence addressed to a member of the public. The comments related to funding and budget decisions, and the Councillor's vote for Redland City Council's Corporate Plan.				misconduct. Enquiries were undertaken by the OIA to assess whether comments made by the Councillor in their email correspondence, accurately reflected decisions made by council at council meetings. Based on the information provided by Redland City Council, the OIA did not consider that the conduct raised a reasonable suspicion of inappropriate conduct or misconduct.	
9.02.21		It was alleged that a councillor made false statements about another councillor, to an external party who used the information to make allegations about the councillor	3.03.21	No Further Action		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 allegation did not raise a reasonable suspicion of inappropriate conduct or misconduct.	Office of the Independent Assessor
17.02.21		It is alleged a councillor has engaged in inappropriate conduct by denying residents the use of a public space by transferring it to a community organisation	8.03.21	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by the nominated councillor.		Office of the Independent Assessor
9.02.21		The complaint related to an exchange that occurred between two councillors relating to a complaint being made about the conduct of one of the councillors.	23.03.21	No Further Action		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. The conduct as described and the basis for the suspicions expressed by the complainant would not reach the threshold of inappropriate conduct at its highest.	Office of the Independent Assessor
01.03.21		It was alleged that a councillor had treated council employees in a hostile manner that is causing emotional harm to council employees. That the councillor had referred to staff as being corrupt and that the councillor displayed poor behaviour when referring to other councillors. It was further alleged that the councillor admitted to releasing information that was confidential to the local government in an email to all councillors in January 2021.	25.03.21	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct. The complaint was made anonymously and provided various high-level allegations with a copy of one internal email to support the claims. The OIA considered that there was nothing in the email to confirm the councillor had released any information that would be considered confidential to the local government. As the complaint was made anonymously it was not possible to seek further information or examples of the conduct alleged.		Office of the Independent Assessor
12.04.21		It is alleged a councillor failed to declare an interest in a matter before council in an ordinary meeting on 18 November 2020. The nature of the	29.04.21	Dismissed	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		Office of the Independent Assessor

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		interest being a donation made to the councillor in May 2012			<p>suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>Amendments to the Act which commenced on the 12 October 2020 introduced a “relevant term” during which a donation will be considered either a prescribed or a declarable conflict of interest. (see sections 150EG and section 150EO and the definition of “relevant term” in Schedule 4 of the Act.)</p> <p>The donation referred to in this complaint was provided to the councillor in 2012 well outside the period requiring a conflict of interest declaration.</p>		
13.04.21		It was alleged that a councillor failed to declare a declarable conflict of interest in a matter being considered by council at a workshop in October 2020 and again at an ordinary meeting that followed. The alleged interest was related to funding that was to be allocated to a local sporting association. One of the coaches working for the association was a friend of the councillor’s and it was alleged that the councillor had promised to pursue the project on their behalf if elected.	11.05.21	No Further Action		<p>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.</p> <p>It was considered that the councillor’s alleged interest in the matter was too remote to constitute a conflict of interest. The friend was not the applicant for funding. Merely a coach for the sporting association that was the applicant.</p>	Office of the Independent Assessor
13.04.21		It is alleged that during a council workshop in October 2020, a councillor threatened another councillor for raising another councillor’s potential conflict of interest in relation to a matter before council.	12.05.21	No Further Action		<p>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 further dealing with the matter would be an unjustifiable use of resources.</p>	Office of the Independent Assessor
28.04.21		It was alleged that a councillor influenced or attempted to influence a councillor or councillors in relation to a matter namely a Material Change of Use (‘MCU’) application having a material personal interest in the matter.	19.05.21	No Further Action		<p>The OIA took no further action in relation to this matter pursuant to section 150X(b)(iii) as further dealing with this complaint would be an unjustifiable use of resources.</p> <p>Investigation indicated that the subject councillor engaged in conversations with other councillors about whether a matter in which they had a material personal interest, should be recalled so that the matter was decided by council and not council officers. This did not constitute influence within the meaning of section 175I(2) (a specific provision creating the offence of influence) as the councillor was not</p>	Office of the Independent Assessor

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						influencing another councillor to “vote on the matter in a particular way at a meeting of the local government”. It was however considered to be ill-advised.	
06.05.21		It is alleged two councillors breached a Queensland Health Directive when they attended an outdoor meeting at a public space on 4 May 2021	17.05.21	Dismissed	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. At the time of the alleged breach of social distancing rules there was no limit on the number of people that could gather in outdoor public spaces.		Office of the Independent Assessor
28.05.21		It is alleged two Councillors met with a resident in November 2020 where they disclosed information that was confidential about matter that was considered by Council in a closed session.	09.06.21	No Further Action		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. The OIA confirmed that the discussions between the councillors and resident occurred in November 2020 when the matter was no longer considered confidential but was open to public consultation. The OIA also confirmed with the resident that the discussions took place with both councillors however both were careful in what they disclosed	Office of the Independent Assessor
01.06.21		It is alleged a Councillor, during the Local Government Election period in 2020, published election material via social media page (Facebook) , on his wife’s social media page (Facebook) and a community Facebook page without the correct authorisation that shows the name and address of the person authorising the material.	09.06.21	No Further Action		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. Matters relating to the conduct of candidates for Local Government Elections are not within the jurisdiction of the OIA. The Queensland Electoral Commission has this responsibility.	Office of the Independent Assessor
16.06.21		A councillor self-referred their conduct at a council meeting that the councillor considered breached the Councillor Code of Conduct.	27.05.21	No Further Action		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. This decision is made on the basis the conduct is assessed as unsuitable meeting conduct which is required to be dealt with by the Chairperson during the Council meeting, pursuant to section 150I of the Act. The OIA does not have jurisdiction to deal with unsuitable meeting conduct.	Office of the Independent Assessor

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