

# REDLAND CITY COUNCIL

## Councillor Conduct Register – July 2021 – June 2022

Date of Complaint	Name of Councillor <sup>1</sup>	Summary of Complaint	Date of Decision	Decision	Reason for dismissal Section 150DZ	Reason for decision Section 150DY	Decision Maker
11/12/20	Paul Gleeson	It is alleged that on 21 April 2019, Councillor Paul Gleeson engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i> (the Act), in that the conduct constituted a breach of trust placed in him as a councillor, either knowingly or recklessly, in that his conduct was inconsistent with the responsibilities of councillors as specified in section 12(3)(b) of the Act.	17/05/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that the allegation that on 21 April 2019, Councillor Paul Gleeson engaged in misconduct is sustained and orders that, within 60 days of the day that Councillor Paul Gleeson is issued with this decision and reasons, pursuant to section 150AR(1)(b)(iv) of the Act, he must pay to the Local Government the amount of 15 penalty units (\$2,067.75).</p> <p>For further details and the full Decision Notice <a href="#">click here</a>.</p> <p><i>Note: Council received advice from the Department of State Development, Infrastructure, Local Government and Planning that Council is not responsible for issuing the reprimand contained in the Tribunal orders as Paul Gleeson is no longer a serving Councillor.</i></p>	Councillor Conduct Tribunal
11/12/20	Paul Gleeson	It is alleged that on 21 July 2019, Councillor Paul Gleeson engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i> (the Act), in that the conduct constituted a breach of trust placed in him as a councillor, either knowingly or recklessly, in that his conduct was inconsistent with the responsibilities of councillors as specified in section 12(3)(b) of the Act.	17/5/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that the allegation that on 21 July 2019, Councillor Paul Gleeson engaged in misconduct is sustained orders that, within 60 days of the day that Councillor Paul Gleeson is issued with this decision and reasons, pursuant to section 150AR(1)(b)(iv) of the Act, he must pay to the Local Government the amount of 20 penalty units (\$2,757.00).</p> <p>For further details and the full Decision Notice <a href="#">click here</a>.</p> <p><i>Note: Council received advice from the Department of State Development, Infrastructure, Local Government and Planning that Council is not responsible for issuing the reprimand contained in the Tribunal orders as Paul Gleeson is no longer a serving Councillor.</i></p>	Councillor Conduct Tribunal

<sup>1</sup> 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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11/12/20	Paul Gleeson	It is alleged that between 19 December 2019 and 20 March 2020, Councillor Paul Gleeson engaged in misconduct as defined in section 150L(1)(c)(i) of the <i>Local Government Act 2009</i> , in that the conduct contravened an order of the conduct tribunal.	17/5/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that the allegation that between 19 December 2019 and 20 March 2020, Councillor Paul Gleeson engaged in misconduct is sustained and orders that, within 60 days of the day that Councillor Paul Gleeson is issued with this decision and reasons, pursuant to section 150AR(1)(b)(iv) of the Act, he must pay to the Local Government the amount of 5 penalty units (\$689.25).</p> <p>For further details and the full Decision Notice <a href="#">click here</a>.</p> <p><i>Note: Council received advice from the Department of State Development, Infrastructure, Local Government and Planning that Council is not responsible for issuing the reprimand contained in the Tribunal orders as Paul Gleeson is no longer a serving Councillor.</i></p>	Councillor Conduct Tribunal
11/12/20	Paul Gleeson	It is alleged that between 30 November 2019 and 29 March 2020, Councillor Paul Gleeson engaged in misconduct as defined in section 150L(1)(c)(i) of the <i>Local Government Act 2009</i> , by contravening an order of the conduct tribunal.	17/5/22	Not Sustained		<p>The Tribunal has determined, on the balance of probabilities, that the allegation that between 30 November 2019 and 29 March 2020, Councillor Gleeson, engaged in misconduct as defined in section 150L(1)(c)(i) of the <i>Local Government Act 2009</i>, by contravening an order of the conduct tribunal is <b>not sustained</b>.</p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	Councillor Conduct Tribunal
11/12/20	Pau Gleeson	It is alleged that between 30 November 2019 and 29 March 2020, Councillor Paul Gleeson engaged in misconduct as defined in section 150L(1)(c)(i) of the <i>Local Government Act 2009</i> , in that the conduct contravenes an order of the conduct tribunal.	17/5/22	Not Sustained		<p>The Tribunal has determined, on the balance of probabilities, that the allegation that between 30 November 2019 and 29 March 2020, Councillor Gleeson, engaged in misconduct as defined in section 150L(1)(c)(i) of the <i>Local Government Act 2009</i>, in that the conduct contravenes an order of the conduct tribunal is <b>not sustained</b></p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	Councillor Conduct Tribunal
03/06/20	Lance Hewlett	It is alleged that between 21 March 2017 and 14 May 2017, Councillor Lance Hewlett engaged in misconduct as defined in section 176(3)(b)(ii) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of the trust placed in him as a councillor, in that it was inconsistent with the local government principle 4(2)(e) of the Act being 'ethical and legal behaviour of councillors and local government employees' in that Councillor Lance Hewlett failed to comply with section 171B(2) of the Act.	12/05/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that between 21 March 2017 and 14 May 2017, Councillor Lance Hewlett engaged in misconduct as defined in section 176(3)(b)(ii) of the <i>Local Government Act 2009</i> (the Act), in that his conduct involved a breach of the trust placed in him as a councillor.</p> <p>The Tribunal orders that, within 60 days of the day that Councillor Lance Hewlett is issued with this decision and reasons, pursuant to section 150AR(1)(b)(i) of the Act, he must make an admission that he engaged in misconduct during a General Meeting of Council at a time when the meeting is open to members of the public.</p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	Councillor Conduct Tribunal

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03/06/20	Lance Hewlett	It is alleged that between 19 May 2017 and 24 April 2020, Councillor Lance Hewlett engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of the trust placed in him as a councillor, in that it was inconsistent with the local government principle 4(2)(e) of the Act being 'ethical and legal behaviour of councillors and local government employees' in that Councillor Lance Hewlett failed to comply with section 171B(2) of the Act.	12/05/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that between 19 May 2017 and 13 February 2018, Councillor Lance Hewlett engaged in misconduct as defined in section 176(3)(b)(ii) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of the trust placed in him as a councillor, in that it was inconsistent with the local government principle 4(2)(e) of the Act being 'ethical and legal behaviour of councillors and local government employees' in that Councillor Hewlett failed to comply with section 171B(2) of the Act.</p> <p>The Tribunal orders that, within 60 days of the day that Councillor Lance Hewlett is issued with this decision and reasons:</p> <ol style="list-style-type: none"> <li>a. pursuant to section 150AR(1)(b)(i) of the Act, Councillor Lance Hewlett must make an admission that he engaged in misconduct during a General Meeting of Council at a time when the meeting is open to members of the public. The admission must make specific reference to the fact that Councillor Lance Hewlett was elected as Deputy Mayor at that time;</li> <li>b. pursuant to section 150AR(1)(b)(iii) of the Act, Councillor Lance Hewlett must attend training or counselling at his own expense on how to address his misconduct, with specific reference to the proper identification, assessment and declaration of matters required in a Register of Interests.</li> </ol> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	Councillor Conduct Tribunal
03/06/20	Lance Hewlett	It is alleged that on 10 May 2017, Councillor Lance Hewlett engaged in misconduct as defined by section 176(3)(b)(ii) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of trust placed in the councillor, in that it was inconsistent with the local government principles in section 4(2)(a) 'transparent and effective processes, and decision making in the public interest' and section 4(2)(e) 'ethical and legal behaviour of councillors and local government employees', in that Councillor Lance Hewlett did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.	12/05/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that on 10 May 2017, Councillor Lance Hewlett engaged in misconduct as defined by section 176(3)(b)(ii) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of trust placed in the councillor, in that it was inconsistent with the local government principles in section 4(2)(a) 'transparent and effective processes, and decision making in the public interest' and section 4(2)(e) 'ethical and legal behaviour of councillors and local government employees', in that Councillor Lance Hewlett did not deal with a real or perceived conflict of interest in a transparent and accountable way as required by section 173(4) of the Act.</p> <p>The Tribunal orders that, within 60 days of the day that Councillor Lance Hewlett is issued with this decision and reasons, pursuant to section 150AR(1)(b)(i) of the Act, Councillor Lance Hewlett must make an admission that he engaged in misconduct during a General Meeting of</p>	Councillor Conduct Tribunal

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						<p>Council at a time when the meeting is open to members of the public.</p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	
03/06/20	Lance Hewlett	<p>It is alleged that on 4 December 2019, Councillor Lance Hewlett engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of the trust placed in him as a councillor, either knowingly or recklessly, in that it was inconsistent with the local government principles 4(2)(a), 'transparent and effective processes and decision-making in the public interest' and or 4(2)(e), 'ethical and legal behaviour of councillors and local government employees', in that Councillor Lance Hewlett did not inform the meeting about his personal interests in the matter as required by section 175E(2) of the Act.</p>	12/05/22	Misconduct		<p>The Tribunal has determined, on the balance of probabilities, that on 4 December 2019, Councillor Lance Hewlett engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009 (the Act), in that his conduct involved a breach of the trust placed in him as a councillor, either knowingly or recklessly, in that it was inconsistent with the local government principles 4(2)(a), 'transparent and effective processes and decision-making in the public interest' and or 4(2)(e), 'ethical and legal behaviour of councillors and local government employees', in that Councillor Lance Hewlett did not inform the meeting about his personal interests in the matter as required by section 175E(2) of the Act.</p> <p>The Tribunal orders that, within 60 days of the day that Councillor Lance Hewlett is issued with this decision and reasons:</p> <ol style="list-style-type: none"> <li>pursuant to section 150AR(1)(b)(i) of the Act, Councillor Lance Hewlett must make an admission that he engaged in misconduct during a General Meeting of Council at a time when the meeting is open to members of the public. The admission must make specific reference to the fact that Councillor Lance Hewlett was elected as Deputy Mayor at that time;</li> <li>pursuant to section 150AR(1)(b)(iii) of the Act, Councillor Lance Hewlett must attend training or counselling at his own expense on how to address his misconduct, with specific reference to the proper identification, assessment and declaration of matters required in a Register of Interests.</li> </ol> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	Councillor Conduct Tribunal
13/4/22		<p>It was alleged a councillor had engaged in inappropriate conduct by acting in an aggressive intimidating and disrespectful manner towards other councillors and had displayed a constant pattern of unfair and biased behaviour towards other councillors in workshops and meetings of council.</p> <p>It was further alleged the councillor and other unnamed councillors are constantly on their mobile phone during meetings</p>	4/5/22	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>The OIA has viewed relevant meeting recordings and did not consider the councillor's conduct to reach the threshold of inappropriate conduct or misconduct. In relation to the use of mobile phones during meetings, council's standing orders do not expressly prevent this from occurring. The OIA recommended that council may wish to consider amendment to the standing orders to address the issue.</p>	Office of the Independent Assessor

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		texting each other or viewing social media.					
13/4/21		<p>It was alleged a Councillor engaged in misconduct when they failed to declare a declarable conflict of interest in a matter before council, during a General Council Meeting in November 2020. The matter was related to funding for a carpark to be developed at a park in Redland Bay.</p> <p>It was alleged the Councillor had a relationship with members of an organisation who operated a community facility in a park where council was proposing to develop a carpark.</p>	22/4/22	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>The relationship between two individuals and a councillor may have raised a declarable conflict of interest however the matter under consideration was not directly relevant to the individuals and was more remote. The OIA also considered the wording of section 150EQ(1)(b) of the Act which requires a councillor to have “become aware” that they have a declarable conflict of interest in a matter, in order for the obligations contained in the other parts of section 150EQ to be enlivened and in this case the inability to prove that the councillor had that subjective knowledge.</p>	Office of the Independent Assessor
20/03/22		<p>It is alleged a councillor engaged in inappropriate conduct or misconduct in a council meeting and in dealing with a member of the public.</p> <p>It was also alleged that a councillor had not declared electoral donations.</p>	14/04/22	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 as the complaint did not raise a reasonable suspicion that the councillor had engaged in inappropriate conduct or misconduct either in a council meeting or in their dealings with the member of the public.</p> <p>The allegation about an undeclared electoral donation was not direct information and was a third hand account. As such it did not raise a reasonable suspicion.</p>		Office of the Independent Assessor
23/3/22		A Councillor self-referred a breach of the code of conduct at an ordinary Council meeting by arguing and not complying with the direction of the Chair.	8/4/22	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 the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p> <p>While the conduct may have breached the code of conduct, it occurred during a council ordinary meeting.</p> <p>Unsuitable meeting conduct is the responsibility of the Chair to deal with according to section 150I of the Act with as it occurs, and is not within the OIA’s jurisdiction.</p>	Office of the Independent Assessor
25/9/19	Withheld	It is alleged that a Councillor failed to declare a personal interest in a matter at the General Meeting of Council held on 11 September 2019 as required by section 175E(2) of the Local Government Act 2009 (repealed integrity offence provision).	23/3/22	Not Sustained		<p>The Tribunal has determined, on the balance of probabilities, that the allegation of misconduct as defined by section 150L(1)(b)(i) of the Local Government Act 2009 has not been sustained and the Councillor was not found to have engaged in misconduct.</p> <p>The Tribunal considered all circumstances and explanations for the alleged conduct and all relevant provisions of the Act and formed the view that the Councillor did not ‘knowingly or recklessly’ act in a way that was inconsistent with the local government principles.</p>	Councillor Conduct Tribunal

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						<p>The alleged conduct was found to have arisen from the failure to declare a conflict of interest at the Council meeting. The Tribunal considered the conduct occurred as a direct result of the deletion of part of the Councillor's Register of Interests by a Council Officer. Those actions fell within the provisions of section 4(1)(b)(ii) of the Act and were not "within the control of the person.." (the Councillor), nor had the omission of parts of the register been brought to the attention or knowledge of the Councillor prior to or when they attended the Council meeting.</p> <p>Accordingly and pursuant to the meaning and application of section 4(1)(b)(ii) of the Act the alleged conduct of the Councillor was found to be not within their control and was consequently not held to be inconsistent with the Local Government principles, section 4(2)(a) and/or section 4(2)(e) as alleged.</p> <p>Consequently the Tribunal found the Councillor did not breach the trust placed in them as a Councillor either "knowingly or recklessly" (s150L(1)(b)(i)).</p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	
1/2/21		It is alleged that a councillor failed to declare a declarable conflict of interest as required by section 150EQ of the Local Government Act 2009.	18/3/22	Dismissed	<p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 ('the Act') on the basis that taking further action would be an unjustifiable use of resources.</p> <p>In making that decision, the OIA considered that the wording of section 150EQ(1)(b) of the Act creates significant evidentiary difficulties, such that prosecution of this matter before the Councillor Conduct Tribunal would not have reasonable prospects of success.</p>		Office of the Independent Assessor
23/2/22		It was alleged that a councillor had breached the Code of Conduct for Councillors in Queensland when responding to, and referring, a resident's enquiry to the Council's legal section.	8/3/22	Dismissed	<p>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 of misconduct</p> <p>Where a constituent has an ongoing legal claim or action against council it is appropriate for Councillors, council staff and or the Council Customer Service Centre to refer enquiries made by that constituent to the Councils legal services team to deal with.</p>		Office of the Independent Assessor
10/12/19	Tracey Huges	It is alleged that on 7 December 2019, Councillor Tracey Huges, engaged in misconduct as defined in section 150L(1)(b)(ii) of the Local Government Act	4/2/22	Misconduct		The Tribunal has determined, on the balance of probabilities, that on 7 December 2019, Councillor Tracey Huges, engaged in misconduct as defined in section 150L(1)(b)(ii) of the <i>Local Government Act 2009</i> (the Act).	Councillor Conduct Tribunal

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		2009 (the Act), in that her conduct involved a misuse of information or material acquired in, or in connection with, the performance of the councillor's functions, whether the misuse was of the benefit of the councillor or for the benefit, or to the detriment, of another person.				<p>Pursuant to section 150AR(1) of the Act, the Tribunal has made the following orders:</p> <p>Within 60 days of the date that a copy of this Decision and Orders are given to her by the Registrar:</p> <p>(a) Councillor Huges attend training to address the Councillor's conduct (at her expense), where such training must include proper consideration of the Councillor Code of Conduct and Dealing with Council Records appropriately (pursuant to s150AR(1)(b)(iii) of the Act); and Councillor Conduct Tribunal GPO Box 15009, City East, Q 4002.</p> <p>(b) Councillor Huges reimburse the local government \$300 of the costs arising from her misconduct (pursuant to s150AR(1)(b)(v) of the Act).</p> <p>For further details and the full Decision Notice <a href="#">click here</a></p>	
23/1/22		<p>It was alleged that at a Council Workshop, a Councillor influenced others in relation to a development application in which the Councillor had a declarable conflict of interest.</p> <p>The interest being that the Councillor had previously made a submission against the development application.</p>	24/1/22	No further action		<p>Following an 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 OIA were unable to identify other individuals with an independent recollection of the Councillor's participation at the relevant Workshop, which was not recorded.</p> <p>Further, the Councillor self-referred the matter to the OIA and stated that they were not aware that they were a submitter at the time of the workshop. When they become aware, they declared an interest at the subsequent General Meeting.</p> <p>While the OIA is of the view that the Councillor could have taken reasonable steps to become aware prior to the Workshop, the means in which the submitters list was made available to Councillors was via a relatively new system to Council. The Councillor was also one of 111 other submitters against the application and the application was ultimately refused by Council. Taking all of these circumstances into account a decision was made to take no further action in respect of the matter.</p>	Office of the Independent Assessor
4/1/22		It was alleged that a councillor misled the community by stating that a local group had been defunded by the state government.	13/1/22	Dismissed	The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009, on the basis that further dealing with the complaint would be an unjustifiable use of resources. Funding had been allocated to another group following a procurement process.		Office of the Independent Assessor

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1/12/21		It is alleged a councillor breached the Code of Conduct for Councillors in Queensland when the councillor forwarded in an email the concerns of a resident to a council officer.	8/12/21	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.		Office of the Independent Assessor
14/10/21		It was alleged a Councillor had acted inappropriately and breached the Code of Conduct for Councillors in Queensland as has not been neutral in engaging on people's personal pages on social media.  The complainant further alleged a Councillor threatened to take legal action against them for raising issues about the councillor's social media posts.	3/11/21	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as the conduct based on the information provided did not raise a reasonable suspicion of inappropriate conduct or misconduct as defined by the Act.		Office of the Independent Assessor
30/6/21		It was alleged that a councillor used council owned assets and resources in the preparation of a political promotional video. That the councillor's video displayed a photograph which included other councillors, which was taken using council staff and was on council's media promotions. That the councillor failed to ask permission from other councillors to use the photograph.  It was alleged that the councillor is heavily involved in a community festival, which was mentioned in the video, and the festival receive funding from council.	27/7/21	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) 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. There was insufficient information in the complaint in relation to the community festival to raise a reasonable suspicion of councillor conduct.		Office of the Independent Assessor
3/7/21		It was alleged a councillor used their position on council to endorse a political party nomination bid on a video, which implied that Council had supported the nomination	14/7/21	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. The Councillor did not purport to be talking on behalf of Council and it could not reasonably be taken that the councillor was representing the views of Council.		Office of the Independent Assessor

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