

# REDLAND CITY COUNCIL

## Councillor Conduct Register – July 2023 – June 2024

Reference	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/150AQ	Decision Maker
GM/17/01/2024	13/12/23	Cr Adelia Berridge	<p>It was alleged that a Councillor engaged in a conduct breach when they refused to follow an order from the Acting Chairperson to leave the General Meeting whilst a matter was discussed and voted on.</p> <p>The General Meeting was adjourned while officers negotiated with the Councillor to leave the Council Chamber.</p> <p>In accordance with 150J and 150AG of the <i>Local Government Act 2009</i> (the Act) and Council's Standing Orders, Council must decide whether or not the subject Councillor has engaged in a conduct breach.</p>	17/01/2024	Conduct Breach		<p>In making this decision, the Council has considered the conduct circumstances, including the livestream publication of the General Meeting of 13 December 2023, the costs incurred to date, and the disruption caused to the meeting Chamber, the community, staff and Councillors present at the time.</p> <p>The Council has also considered the report tabled at the General Meeting on 17 January 2024 at Item 20.2, the Councillor legal advice circulated by email on 15 January 2024, the Councillor legal submission on 11 January 2024 and the Council legal response to the submission on 12 January 2024.</p> <p>Subsequently, Council resolved as follows:</p> <ol style="list-style-type: none"> <li>1. Pursuant to section 150AG (1)(a) of the <i>Local Government Act 2009</i>, and in accordance with 150K (1) of the <i>Local Government Act 2009</i>, the subject Councillor engaged in a conduct breach by refusing to follow an order from the Acting Chairperson to leave the meeting whilst a matter was discussed and voted on.</li> <li>2. Pursuant to sections 150AG (1)(b) and 150AH (1) of the <i>Local Government Act 2009</i>, made the following orders: <ol style="list-style-type: none"> <li>a) an order that the Councillor make a public apology, in a way agreed to by the Chief Executive Officer, for the conduct at the General Meeting scheduled 21 February 2024;</li> <li>b) an order reprimanding the Councillor for the conduct;</li> <li>c) an order that the Councillor attend training conducted by the Department of Local Government, to address the Councillor's conduct, including at the Councillor's expense, within the next six months if re-elected;</li> <li>d) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;</li> <li>e) an order that the Councillor reimburse the local government for the legal costs</li> </ol> </li> </ol>	Redland City Council

<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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							arising from the Councillor's conduct breach, up to a maximum amount of \$1,500, within the next three months.	
GM/13/12/2023	13/12/23	Cr Adelia Berridge	It was determined that the Councillor engaged in unsuitable meeting conduct when they failed to comply with an order by the Acting Chairperson to leave the Chamber following a declarable conflict of interest vote.	13/12/23	Unsuitable Meeting Conduct		An Unsuitable Meeting Conduct Order was issued by the Acting Chairperson to the Councillor, in accordance with Redland City Council Meeting Standing Orders (Standing Orders) at Appendix 1, (1)(g)(i). The order was to reprimand the Councillor for failing to comply with a request in accordance with Standing Orders at Appendix 1, (1)(g)(ii). The Councillor did not comply with the order issued and under Standing Orders at Appendix 1, (1)(h) the meeting was adjourned and the Councillor was removed from the Chamber.	Acting Chairperson – Redland City Council
C/23/00648	03/11/23		It was alleged a Councillor engaged in inappropriate conduct by breaching a Council policy relating to planning matters.  It was further alleged the Councillor attended an applicant's property and spoke in an aggressive manner.	23/11/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The OIA confirmed with Council that the Councillor was able to be kept informed about a planning matter. There are statutory and policy processes for planning matters. There was no evidence the Councillor breached those processes.  In relation to the second allegation, the attendance at the applicant's property appeared to have been inadvertent and no independent witness to the conversation was available.		Office of the Independent Assessor
GM15/11/2023	15/11/23	Cr Adelia Berridge	It was determined that the Councillor engaged in unsuitable meeting conduct when they failed to comply with a request by the Chairperson to cease and apologise for behaviour that was inconsistent with the Code of Conduct for Councillors in Queensland during a Statutory Meeting of Council.	15/11/23	Unsuitable Meeting Conduct		An order was issued pursuant section 150I (2)(a) of the <i>Local Government Act 2009</i> to reprimand the Councillor for failing to comply with a request for remedial action for the unsuitable meeting conduct, in accordance with Standing Orders at Appendix 1, (1)(c)(i) and (ii).  The Councillor did not comply with the order issued and voluntarily left the meeting and Chamber.	Chairperson – Redland City Council
C/23/00641	31/10/23		It was alleged a Councillor misled the public by providing, publishing, and contributing to misleading information in a media article and social media.	10/11/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources.	Office of the Independent Assessor

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							The comments by the Councillor were considered in the context that they represented their own personal views on a matter.	
C/23/00639	29/10/23		It was alleged a Councillor misled the public using nonfactual comments on a Facebook post.	06/11/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The post was recognised as a personal viewpoint, in a personal social media page, on the forthcoming 2024 Local Government elections.	Office of the Independent Assessor
C/23/00638	29/10/23		It is alleged a Councillor engaged in inappropriate conduct when the Councillor raised an issue about a community event.	06/11/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(b)(iii) of the <i>Local Government Act 2009</i> (the Act) as the complaint was lacking in substance. The Councillor can raise an issue with Council's administration if the Councillor considers there has been a potential compliance issue.		Office of the Independent Assessor
C/23/00637	29/10/23		It was alleged a Councillor misled the public using nonfactual comments on a Facebook post.	06/11/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b)(i) of the <i>Local Government Act 2009</i> [the Act] on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  The post was recognised as a personal viewpoint, in a personal social media page, on the forthcoming 2024 Local Government elections.	Office of the Independent Assessor
C/23/00614	19/10/23		It is alleged a Councillor had engaged in inappropriate conduct when the Councillor breached a Council policy.	30/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  Council confirmed that the Councillor had followed the guideline and policy as outlined to all Councillors in information and briefing sessions.		Office of the Independent Assessor
C/23/00613	19/10/23		It is alleged a Councillor had engaged in inappropriate conduct when the Councillor breached a local government principle and behavioural standard in the Code of Conduct for Councillors in Queensland,	30/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.  Council confirmed the Councillor had a legitimate reason for not attending a meeting.		Office of the Independent Assessor
C/23/00524	12/09/23		It is alleged a Councillor has engaged in inappropriate conduct when the Councillor responded to an email with personal accusations and comments that were not reasonable or respectful	16/10/23 Notification received 23/10/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b) (iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources.	Office of the Independent Assessor

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			towards another Councillor, the contents of the email were copied to all Councillors and senior council staff.				The OIA reviewed an email exchange between Councillors and senior Council officers and considered the Councillor's comments about another Councillor whilst unnecessary, were provoked.  Further the OIA will continue to assess each complaint on its merits and will take appropriate action if matters are considered to breach the local government principles.	
C/23/00591	10/10/23		It was alleged a Councillor had engaged in inappropriate conduct in addressing the concerns of a resident who had an ongoing dispute with Council over a property matter.	17/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct by a Councillor.  The OIA had previously considered and made a decision on the allegations.		Office of the Independent Assessor
C/23/00589	06/10/23		It was alleged a Councillor used threatening language in an email towards a member of the public.	16/10/23	Dismissed	The OIA dismissed this matter pursuant section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the alleged conduct did not amount to inappropriate conduct or misconduct within the meaning of the Act. Although a limited aspect of the email could be described as being terse and direct, it did not reach the threshold of breaching a behavioural standard for Councillors.		Office of the Independent Assessor
C/23/00577	03/10/23		It was alleged a Councillor engaged in misconduct and bullied other Councillors during a Council meeting.	16/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the alleged conduct did not raise a reasonable suspicion of inappropriate conduct or misconduct.  The OIA viewed the relevant meeting and did not find that the Councillor had breached the Act or meeting procedures.		Office of the Independent Assessor
C/23/00569	28/09/23		It was alleged that a Councillor breached the Code of Conduct for Councillors in Queensland during an ordinary Council meeting.	05/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act). The conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. A breach of a behavioural standard by a Councillor during a Council meeting is defined as 'unsuitable meeting conduct' in the Act and the nominated person who has discretion to deal with that conduct is the meeting Chair.		Office of the Independent Assessor

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						Unsuitable meeting conduct does not fall within the OIA's jurisdiction.		
C/23/00557	26/09/23		It was alleged a Councillor used threatening language in an email towards a member of the p/ublic.	05/10/23	Dismissed	The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act). The conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act, on the basis that the email did not contain any threatening language.		Office of the Independent Assessor
C/23/00451	04/08/23		It is alleged a Councillor sent text messages to a member of the public that contained malicious statements and accusations with the intent to damage the reputation of another Councillor.	14/08/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> .  The text messages were considered unprofessional, however, in the context that the text messages were only intended for one recipient, and taking into account the content, it was not considered to be a justifiable use of resources to deal with this matter any further.	Office of the Independent Assessor
C/23/00429	19/07/23		It was alleged that a Councillor made inappropriate comments to another Councillor prior to a meeting that breached the Code of Conduct for Councillors in Queensland.	11/08/23	No further action		The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the <i>Local Government Act 2009</i> [the Act] on the basis that taking further action would be an unjustifiable use of resources.  Versions of events obtained from other witnesses present were inconsistent.	Office of the Independent Assessor