

Councillor Conduct Register

This register is kept and published in accordance with s150DX of the *Local Government Act 2009*

Decisions/outcomes - post 3 December 2018

- Orders made about unsuitable meeting conduct of Councillors at Local Government meetings
- Decisions made about the suspected inappropriate conduct referred to the Local Government
- Decisions made about whether or not Councillors engaged in misconduct made by the conduct tribunal
- Complaints about the conduct of Councillor dismissed by the assessor
- Decisions to take no further action in relation to the conduct of Councillors investigated by the assessor.

Date of the Complaint	Details	Decision/Outcome
24-Mar-22	It was alleged that a Councillor engaged in inappropriate conduct by not responding to or selectively responding to a resident's enquiries on social media.	Date of decision: 11 April 2022 The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> as the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.
24-Mar-22	A Councillor was alleged to have displayed dishonest behaviour in relation in court proceedings to which the complainant was a party.	Date of decision: 6 April 2022 The OIA dismissed this matter pursuant to section 150X (b)(i) of the <i>Local Government Act 2009</i> as the complaint was considered to be vexatiously made.

Date of the Complaint	Details	Decision/Outcome
13-Dec-21	It was alleged that a councillor was on the internet encouraging businesses to break the law on the 17 December 2021, when the health regulations commence with restrictions for unvaccinated people.	Date of decision: 11 January 2022 The OIA dismissed the matter pursuant to section 150X(a)(ii) 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 social media post provided with the complaint included information such as the councillor's name and photograph, however the post was made by a third party and not by the Councillor.
21-Dec-21	It was alleged that a councillor breached the Code of Conduct for Councillors in Queensland when they gave a speech at a public rally that unfairly described a senior council employee and/or Council as acting in a discriminatory way through a question contained in a staff survey.	Date of decision: 7 January 2022 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 councillor's speech was not unfairly directed at an individual and the councillor was clearly expressing their own personal views, as opposed to the views of Council as a body. The Councillor's implied right to freedom of expression under the <i>Qld Human Rights Act 2019</i> would suggest that further dealing with this matter would not be in the public interest.
30-Nov-21	It was alleged a councillor has breached the Code of Conduct for Councillors in Queensland when the Councillor spoke at a public meeting about a public health matter.	Date of decision: 14 December 2021 The OIA dismissed this matter pursuant to section 150X(c)(i) of the <i>Local Government Act 2009</i> (the Act) as further dealing with the complaint would not be in the public interest. The OIA noted the Councillor was entitled to have a view on the issue and the way the Councillor had expressed that view at the public meeting did not breach the Code of Conduct or principles of the Act.
25-Sep-20	It was alleged that a Councillor failed to declare an interest in a matter at a Sunshine Coast Regional Council Ordinary Meeting, when Council considered a development permit for a material change of use application submitted by a local not-for-profit sporting club.	Date of decision: 10 December 2021 Following an investigation, the OIA dismissed the matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) as the conduct was not inappropriate conduct or misconduct.

Date of the Complaint	Details	Decision/Outcome
21-Nov-21	<p>It was alleged that a Councillor provided false and misleading information in response to a complaint about the inclusion of a property within the boundaries of a Council and state government partnership-based project.</p> <p>It was alleged, the Councillor had a personal interest in the same matter.</p>	<p>Date of Decision 1 December 2021</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the <i>Local Government Act 2009</i> (the Act) on the basis that the details contained in the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct.</p>

Date of the Complaint	Details	Decision/Outcome
24-Jun-19	<p>It was alleged that the Councillor engaged in misconduct insofar that whilst having a conflict of interest in a matter, attempted to influence a local government employee who was authorised to decide or otherwise deal with the matter to do so in a particular way. It was further alleged that whilst having a conflict of interest in a matter the councillor did influence another Councillor to vote on the matter in a particular way at a local government meeting.</p>	<p>Date of Decision 10 November 2021</p> <p>The Councillor Conduct Tribunal (CCT) determined on the balance of probabilities, the allegation that on 21 May 2019 Councillor Jason O'Pray a Councillor of the Sunshine Coast Regional Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the <i>Local Government Act 2009</i> (the Act) by breaching the trust placed in him as a Councillor, either knowingly or recklessly when, having a conflict of interest in relation to a matter, he attempted to influence a local government employee who was authorized to decide or otherwise deal with the matter to do so in a particular way – which contravened sections 175I(3) of the Act and the local government principle in 4(2)(e) 'ethical and legal behaviour of Councillors' has been sustained.</p> <p>The CCT determined on the balance of probabilities, the allegation that on 21 May 2019, Jason O'Pray, a Councillor of the Sunshine Coast Regional Council, engaged in misconduct as defined in section 150L(1)(i) of the Act by breaching the trust placed in him as a Councillor, either knowingly or recklessly when, having a conflict of interest In relation to a matter he did influence, another Councillor to vote on the matter in a particular way at a meeting of the local government- which contravened section 175I(2) and the local government principle in 4(2)(e) 'ethical and legal behaviour of Councillors' has been sustained.</p>

Date of the Complaint	Details	Decision/Outcome
28-Oct-21	<p>It was alleged that a councillor behaved inappropriately towards others at a community meeting.</p> <p>It was alleged the councillor failed to respond to emails from the complainant in 2019 and in 2021 regarding traffic and road safety issues in the area.</p>	<p>Date of Decision 17 November 2021</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) 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.</p> <p>Enquiries with an independent meeting participant indicated that the councillor's conduct did not meet the threshold of inappropriate conduct.</p> <p>While the councillor may not have responded directly to the two nominated emails, they did correspond with the complainant regarding the same matter.</p>
13-Dec-19	<p>Following assessment and referral by the Office of Independent Assessor (OIA) and subsequent investigation by the Councillor Conduct Tribunal (CCT) Council was required to consider a recommendation that former Councillor Greg Rogerson be found to have engaged in inappropriate conduct during various interactions with staff between 21 December 2018 and March 2019.</p>	<p>Date of Decision 14 October 2021</p> <p>As required by the Local Government Act 2009 (the Act), Council determined that former Councillor Greg Rogerson engaged in inappropriate conduct; and in accordance with s150AH(1)(b)(ii) of the Act, that an order be made reprimanding the former councillor for the conduct.</p>
15-Apr-21	<p>It was alleged a councillor was an ex officio member of a community organisation and had failed to investigate issues raised by a resident relating to the operations of that organisation.</p>	<p>Date of Decision 6 May 2021</p> <p>The OIA dismissed this matter pursuant to section 150(a)(ii) of the Local Government Act 2009 as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The Councillor was not an ex officio member of the organisation and the organisation was not an entity that was Council owned. The Councillor attended meetings as an observer only.</p>

Date of the Complaint	Details	Decision/Outcome
25-Feb-21	It was alleged a Councillor failed to respond to various emails from the complainant, requesting the councillor's support on a matter that had been decided by Council.	<p>Date of Decision 9 April 2021</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The Councillor had initiated inquiries with the relevant Council officers and spoke to the complainant in relation to the outcome of those inquiries. The Councillor did not enter into further discussions with the complainant after this point on legal advice and following a threat of legal action.</p>

Date of the Complaint	Details	Decision/Outcome
22-Jan-21	<p>It was alleged a Councillor's behaviour and actions in relation to an ongoing noise complaint relating to a local business was not consistent with how Councillors should engage with their constituents and that the Councillor has not been respectful or transparent.</p>	<p>Date of Decision 19 February 2021 The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. Concerns were raised about the Councillor's failure to address the issues of noise on behalf of constituents. However, it is noted the Councillor advised the complainant via email on 13 January 2021, that the Councillor visited the residences concerned and was informed the business was implementing further operational changes to mitigate the noise. The Councillor also advised the complainant that Council officers were monitoring the issue and engaging directly with the noise source to ensure compliance. This matter is operational, and the management of such matters is the responsibility of Council officers and not Councillors. In this case, it appears that Council officers were dealing with the matter as required. In relation to the Councillor not being respectful or transparent in his dealings with constituents in relation to this matter, there was no relevant information to support this claim. I am satisfied that the Councillor acted sufficiently by assuring the complainant and other residents that Council officers were monitoring the issue to ensure compliance. The issue of transparency on the part of the Councillor is irrelevant on this occasion, being an operational matter and the fact that the Councillor is not a decision maker on the matter.</p>

Date of the Complaint	Details	Decision/Outcome
4-Dec-20	It is alleged that a Councillor's responses to emails from members of the public in relation to a publicly topical matter were out of line, unjust and uncalled for.	<p>Date of Decision 14 January</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009, on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The complaint did not provide any evidence to support the claim that the Councillor had responded to emails from members of the public in a manner that would be considered 'out of line', 'unjust' or 'uncalled for'.</p> <p>The OIA wrote to the complainant requesting further information and asked to be provided with evidence of comments made by the Councillor or any copies of the emails sent by the Councillor that contained information of the above description, however, the complainant did not respond to that request.</p>
3-Dec-20	It is alleged that a former Councillor: Failed to declare a conflict of interest during Council meetings; Failed to record on their Councillor register of interests a trustee position held by the Councillor on a community trust fund. Had not complied with his responsibilities to provide annual audited accounts for the trust fund in a timely way.	<p>Date of Decision to take no further action 22 December 2020</p> <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. In assessing this complaint, the OIA considered that the complaint related to a former Councillor who is no longer able to update their register of interests (ROI).</p> <p>That any failure by the former Councillor to comply with his trustee responsibilities in a timely way was likely contributed to by a lack of Council follow up.</p> <p>Further it was established that there had been no relevant matters before Council which would have required the Councillor to declare the interest in question.</p>

Date of the Complaint	Details	Decision/Outcome
23-Apr-20	It was alleged that a Councillor made false and misleading statements, during a live interview on ABC Sunshine Coast Radio regarding complaints made about Council.	Date of Decision 21 December 2020 The OIA dismissed this matter pursuant to section 150X (a)(ii) of the Local Government Act 2009. The OIA undertook an investigation into whether the Councillor's comments were in fact false and/or misleading at the conclusion of which the Independent Assessor was not reasonably satisfied that the misconduct had been made out.
30-Oct-19	It was alleged that a Councillor failed to declare a conflict of interest when considering a matter involving the acquisition of properties at a Council meeting on 19 September 2019. The conflict related to electoral donations received by the Councillor relevant to the 2012 Local Government Elections.	Date of Decision 3 November 2020 The OIA dismissed this matter pursuant to section 150X(c)(i) of the Local Government Act 2009 as further dealing with the matter would not be in the public interest. This was due to the donation in question being made approximately 8 years ago, the donation being of a minor amount and given the subject Councillor no longer serves on the Council.
8-Oct-19	It was alleged that a Councillor failed to declare a conflict of interest when considering a matter involving the acquisition of properties at a Council meeting on 19 September 2019. The conflict related to electoral donations received by the Councillor relevant to the 2012 Local Government Elections.	Date of Decision 3 November 2020 Following an investigation, the OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources. This was due to the donation in question being made approximately 8 years ago, the donation being of a minor amount and given that the subject councillor no longer serves on the Council.

Date of the Complaint	Details	Decision/Outcome
22-Oct-20	It was alleged there are car parking problems at a street in Sippy Downs which is causing a public safety issue for its residents.	<p>Date of Decision 29 October 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 (the Act) as there was no identified conduct of a councillor and did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. As the complaint was an anonymous complaint the complainant could not be re-directed to the appropriate complaint process for these types of complaints.</p>
5-Aug-20	It was alleged that a Councillor had failed to respond to or follow up with a resident about two areas of concern that were raised with the Councillor at a pre-polling place, despite the Councillor giving an undertaking that he would follow the matters up for him.	<p>Date of Decision 19 August 2020</p> <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 or misconduct within the meaning of the Act.</p> <p>While the alleged conduct did not reach the threshold of inappropriate conduct the councillor has been reminded to refer similar community requests to the CEO for the attention of Council Staff to deal with the issue and keep members of the community informed of the fact that this had occurred.</p>

Date of the Complaint	Details	Decision/Outcome
1-Jul-20	<p>It was alleged that a Councillor breached section 171B(2) of the Local Government Act by failing to remove interest in land (which had been sold), within 30 days of the interest changing. It was further alleged that the Councillor was unwilling to disclose details related to what was done with the proceeds of the sale of the property.</p> <p>It was also alleged that the Councillor had 'back dated' their current register of interests by two days.</p>	<p>Date of Decision 16 July 2020</p> <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 reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act. Information was obtained which demonstrated that the register of interest was updated within 30 days of the interest changing.</p> <p>The fact that the Councillor did not disclose details related to the proceeds of the sale of the property was not a breach of any of the requirements for registers of interest.</p> <p>Additionally there was no information provided to reasonably support the alleged 'back dating' of the register of interest.</p>
25-May-20	<p>It was alleged that there was an inappropriate relationship between an electoral donor and a Councillor that had affected decisions relating to development applications where this electoral donor was involved.</p>	<p>Date of Decision 14 July 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 on the basis that dealing with the complaint would be an unjustifiable use of resources as initial inquiries were unable to corroborate the allegation.</p>
25-May-20	<p>It was alleged that a Councillor failed to declare a personal interest that may give rise to a conflict of interest when considering reports in Council about the Sunshine Coast City Hall project that were prepared by a consultancy firm that had donated to the Councillor's election campaign.</p>	<p>Date of Decision 14 July 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct, as the reports authored by the electoral donor do not amount to a declarable personal interest, as the donor was acting in their capacity as a contractor to the Council.</p>

Date of the Complaint	Details	Decision/Outcome
30-May-19	It was alleged that on 7 May 2019, a Councillor of the Sunshine Coast Regional Council, engaged in misconduct as defined in section 150L(1)(b)(i) of the Local Government Act 2009, by breaching the trust placed in them as a Councillor, either knowingly or recklessly, when, having a conflict of interest in relation to a matter, they influenced or attempted to influence a local government employee who was authorised to decide or otherwise deal with the matter to do so in a particular way.	Date of Decision 13 July 2020 The OIA dismissed this matter pursuant to section 150X(c)(ii) as the evidence gathered did not meet the threshold of reasonable satisfaction and should be dismissed on the basis that further dealing with the matter would be an unjustifiable use of resources.
15-Jun-20	It was alleged a Councillor had failed to respond to an email from a concerned resident about a compliance matter and failed to forward the concerns of the resident to the relevant section of Council.	Date of Decision 26 June 2020 The OIA dismissed the 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 within the meaning of the Act. While the complaint did not reach the threshold of inappropriate conduct the councillor has been reminded to respond to requests for assistance or information from residents or refer such requests to the CEO so that the resident is responded to.
15-Nov-19	It was alleged that a Councillor failed to declare a conflict of interest when considering reports in Council about the East/West Runway project that were authored by a Council staff member who donated to the Councillor's election campaign.	Date of Decision 22 May 2020 The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct, as the reports authored by the electoral donor do not amount to a declarable personal interest, while the donor was acting in their capacity as a Council officer.

Date of the Complaint	Details	Decision/Outcome
27-Mar-20	It was alleged that a Councillor had not been transparent with a community group about the upgrade of a Council asset and the Councillor had used discretionary funding inappropriately.	<p>Date of Decision 5 May 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) of the Local Government Act 2009. The complaint was dismissed on the basis that the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct.</p> <p>The decision to upgrade the asset was made by Council based on Councillor officer recommendations.</p> <p>The Councillor was entitled to change his view on the asset upgrade and to direct discretionary funding to projects within his division.</p>
2-Apr-20	It was alleged that a Councillor is receiving a six-figure sum from a Chinese corporate who owns casinos.	<p>Date of Decision 28 April 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(b)(iii) of the Local Government Act 2009 as the complaint was considered to be lacking in substance.</p> <p>The complaint was made anonymously and there was insufficient information available to the OIA to make an informed assessment of the conduct as alleged.</p>

Date of the Complaint	Details	Decision/Outcome
3-Apr-20	<p>It was alleged that a Councillor breached Local Government caretaker period requirements by holding press conferences during the election period, during which strategies were announced in response to the COVID-19 crisis.</p> <p>It was further alleged that a Councillor had not properly executed their Register of Interests, as the general notes section had not been signed.</p>	<p>Date of Decision 22 April 2020</p> <p>The OIA dismissed this matter pursuant to section 150X(a)(ii) and section 150Y(b)(i) - respectively - of the Local Government Act 2009 as the conduct does not raise a reasonable suspicion of inappropriate conduct or misconduct. The announcement made by the Councillor on behalf of Council, did not constitute a 'major policy decision' as defined in Schedule 4 of the Act.</p> <p>Therefore, the OIA did not consider that this announcement was a breach of caretaker period requirements as stipulated under Part 5 of the Act.</p> <p>Further, in regard to the Councillor's register of interest, as the register was otherwise correctly signed and dated, the absence of a signature in the general notes section was not considered to constitute a failure by the Councillor to complete or update their register of interest.</p>
29-Oct-19	<p>It is alleged a Councillor authorised an external contractor to remove a Council asset from Council depot. The asset was installed in a local park without the necessary process or approvals, nor compliance with Council's requirements for installation of such an item in a public place.</p>	<p>Date of Decision 17 April 2020</p> <p>The OIA decided to take no further action pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis that taking further action would be an unjustifiable use of resources.</p> <p>This decision was made on the basis that the councillor was not re-elected, the lower degree of seriousness of the alleged conduct and the potential disciplinary outcomes are limited where a person is no longer a Councillor.</p>

Date of the Complaint	Details	Decision/Outcome
28-Feb-20	It was alleged that a Councillor had breached the Code of Conduct for Councillors during meetings with residents and community groups regarding the management of a coastal area. It was also alleged the Councillor breached Council's Acceptable Request Guidelines by directing staff in 2009.	Date of Decision 6 April 2020 The OIA dismissed this matter pursuant to section 150X(c)(ii) of the Local Government Act 2009 as further dealing with the complaint would be an unjustifiable use of resources. The subject of the complaint is not longer an elected Councillor (Post 2020 Local Government Elections).
19-Aug-19	It was alleged that a Councillor disclosed personal information of residents to external companies, after these residents had made complaints against these companies to Council.	Date of Decision 6 April 2020 Following an investigation, the OIA dismissed this matter pursuant to section 150X(c) (ii) of the Local Government Act 2009 as it was considered that further dealing with the complaint would be an unjustifiable use of resources. the anonymously made complaint did not identify sufficient particulars to enable the OIA to conduct reasonable enquires in order to identify the true nature of the conduct.
5-Mar-20	It is alleged that a Councillor failed to declare a material personal interest or conflict of interest at Council meetings during which a series of planning changes were considered by Council as part of the Sunshine Coast Planning Scheme 2014, due to their ownership of an establishment that benefited from changes implemented under the Scheme. It is further alleged that the Councillor's ownership in the establishment led Council Officers to make 'questionable' decisions in approving a re-development application submitted by the hotel.	Date of Decision 24 March 2020 The OIA dismissed this matter pursuant to section 150X(a)(ii) as 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 amendments and decisions relating to the Sunshine Coast Planning Scheme 2014 which are considered at Council meetings are defined as an Ordinary Business Matter under the Act and are therefore not required to be disclosed at meetings per Section 175C or Section 175E of the Act. Additionally, enquiries conducted by the OIA confirmed that the development application in question was approved by Council delegate and was not presented to a Council meeting for decision.

Date of the Complaint	Details	Decision/Outcome
18-Mar-20	It was alleged that a Councillor tampered with a resident's private mailbox and stole the election pamphlets of another candidate, which the Councillor then disposed of in a storm water drain.	Date of Decision 12 March 2020 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 was made on the basis that a photograph of the alleged individual that was submitted with the complaint does not clearly identify a specific individual, particularly as the registration plate of the vehicle is not legible and the individual's face is concealed by a helmet.
10-Feb-20	It is alleged that in a media interview a Councillor made false and or misleading statements about a local issue and made derogatory statements about a member of the public. It was further alleged that the Councillor behaved in an intimidatory, dismissive, obstructive and bullying manner when interacting with the complainant via email and in person.	Date of Decision 3 March 2020 The OIA dismissed the complaint pursuant to section 150X(c)(ii) of the Local Government Act 2009, as further dealing with this matter would be an unjustifiable use of resources. This decision was made on the basis that the Councillor's conduct was at the highest borderline inappropriate and further investigation of the matter, in all the circumstances of this case, was not considered a justifiable use of resources.
10-Feb-20	It is alleged that in 2018, a Councillor breached the Code of Conduct for Councillors in Queensland, by responding rudely to questions raised in general conversation about a local issue and leaned aggressively towards the complainant.	Date of decision 25 February 2020 The OIA dismissed the complaint pursuant to section 150X(c)(ii) as further dealings on the matter would be an unjustifiable use of resources. The complainant withdrew their complaint. This matter could not proceed without the complainant's evidence.

Date of the Complaint	Details	Decision/Outcome
2-Jan-20	It was alleged that a Councillor's partner had abused a member of the community on a community Facebook page and that the complainant was subsequently blocked from the Councillor's divisional Facebook page.	Date of decision 14 February 2020 The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 after consideration of the complaint, details provided by the complainant and the OIA/LGAQ guideline for use of social media by Councillors. On the facts provided the blocking of the member of the community did not raise a reasonable suspicion of inappropriate conduct or misconduct. The OIA had requested further information from the complainant to support the assessment process, but this was not provided within a reasonable timeframe.
6-Feb-20	It was alleged, at a Council Ordinary Meeting a Councillor displayed unsuitable meeting conduct during discussions.	Date of decision 11 February 2020 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. A conduct breach during a Council meeting is unsuitable meeting conduct and it not within the OIA's jurisdiction. It is the responsibility of the chair of the meeting to moderate discussions in a Council meeting and to take action against Councillors that display unsuitable meeting conduct.

Date of the Complaint	Details	Decision/Outcome
14-Jan-20	It is alleged a Councillor and a member of the public had an altercation on a street outside a newsagency.	<p>Date of decision 11 February 2020</p> <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 were able to confirm from independent witnesses that the member of the public appeared to have instigated the altercation and that there was a history of other similar incidents.</p>
18-Dec-19	It is alleged a Councillor had potentially disclosed confidential information to a third party relating to a proposal that Council was considering.	<p>Date of decision 9 January 2020</p> <p>The OIA resolved 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 was unable to identify the Councillor who allegedly disclosed the confidential information and it was not established that the information was confidential to Council.</p>
6-Dec-19	It is alleged the Councillor mislead other Councillors when briefing on the funding of a matter during a Council forum, namely, whether the Councillor's discretionary funds had been used to fund a specific part of the project.	<p>Date of decision 6 December 2019</p> <p>After an investigation the OIA decided to take no further action in relation to the matter pursuant to section 150Y(b)(iii) of the Local Government Act 2009 on the basis it would not be a justifiable use of resources.</p> <p>Although discretionary funding had been approved for part of the project it was not approved for the part Councillors raised concerns about.</p> <p>It appeared that at the time of briefing the other Councillors, the subject Councillor was not aware of the other costings involved.</p>

Date of the Complaint	Details	Decision/Outcome
18-Nov-19	<p>It was alleged that a councillor:</p> <ul style="list-style-type: none"> -provided misleading information to a local community group in relation to a Council capital works project, -failed to engage in community consultation regarding the project, -that the timing of the Council project was political. 	<p>Date of decision 19 November 2019</p> <p>The OIA delegate made the decision to dismiss the complaint pursuant to section 150(a)(ii) of the Local Government Act 2009 as it did not raise a reasonable suspicion of inappropriate conduct or misconduct. This decision was made on the basis that the councillor had communicated with residents and the local community group by way of a project newsletter. The councillor also tabled in Council two petitions from the community concerning the project proposal. The project was brought forward due to other community member concerns.</p>
9-Oct-19	<p>It is alleged that in attending a meeting with a member of the public, a Councillor was unprepared, directed blame away from the Council and left the meeting because they did not have answers.</p>	<p>Date of decision: 21 October 2019</p> <p>The OIA decided to take no further action pursuant to section 150Y(b)(i) of the Act on the basis that the complaint did not raise a reasonable suspicion of inappropriate conduct or misconduct within the meaning of the Act.</p>
17-Dec-18	<p>It is alleged that a Councillor breached the Code of Conduct by using derogatory and disrespectful language when engaging with a member of the public via email.</p>	<p>Date of decision: 15 October 2019</p> <p>After an investigation, the OIA decided to take no further action pursuant to section 150Y(b)(i) on the basis that while the tone of the Councillor's communication was not appropriate, the conduct did not meet the threshold for inappropriate conduct or misconduct in the broader context of extensive interactions between the complainant and the subject Councillor, in the lead up to the email that became the subject of the complaint and the Councillor's previously documented attempts to communicate constructively with the complainant.</p>

Date of the Complaint	Details	Decision/Outcome
3-Sep-19	It was alleged a Councillor was the source of gossip about the complainant. It was alleged that the complainant formally requested the Councillor provide them with a copy of their diary, however the complainant alleges that the Councillor refused to provide them with this information.	The OIA delegate made the decision to dismiss the complaint as it does not raise a reasonable suspicion of inappropriate conduct or misconduct, as outlined in Section 150X(a)(ii) of the Local Government Act. The first allegation had previously been assessed and dealt with by the OIA (OIA reference C/19/00534). In relation to the second aspect of the complaint, the Councillor agreed to provide a copy of the relevant part of his diary, despite not being obligated to do so.
2-Sep-19	It is alleged that Councillors were not provided full and correct details by Council's development team prior to voting in relation to a development application in July 2018.	The OIA resolved to take no further action pursuant to section 150X(a)(ii) of the Local Government Act 2009 on the basis that the conduct does not constitute inappropriate conduct or misconduct within the meaning of the Act. The complaint was about an administrative action and decision of council, and or failings of Council employees rather than any identifiable Councillor conduct.
28-Aug-19	It was alleged that there is constant construction occurring at a factory at Image Flat. It was alleged that there is non-stop noise emitting from the factory. It was alleged that the factory has increased in size over the last 10 years, and the complainant alleged that they tried to bring the matter to the attention of Council.	The OIA made the decision to dismiss the complaint on the basis that it does not constitute inappropriate conduct or misconduct as defined in Section 150X(a)(ii) of the Act. The complaint relates to decisions made by Council as a whole rather than specific councillor conduct and as such does not fall under the jurisdiction of the OIA.
19-Aug-19	It is alleged that a Councillor has been directing unlawful activity relating to the use of a park for unlawful commercial activities.	The complaint was dismissed pursuant to section 150X(a)(i) of the Local Government Act 2009, in that the matter has been, or is being, dealt with by another agency.

Date of the Complaint	Details	Decision/Outcome
12-Aug-19	It is alleged in December 2015 at a community meeting a Councillor withheld information about a major infrastructure project which would create significant and direct negative impacts on the community.	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Local Government Act 2009[the Act] on the basis that the conduct does not constitute inappropriate conduct or misconduct. The information about the project was confidential to local government at that time of the community meeting and the Councillor would have committed misconduct under section 171(3) of the Act had he shared the information at the community meeting.
21-Jun-19	It was alleged that: - Council has been involved in assessing development applications from Telco carriers, and -Council staff are not accepting medical certificates from residents as part of the objection process for the development application.	The OIA delegate decided to dismiss the complaint pursuant to Section 150X(a)(ii) of the Local Government Act 2009, ie the conduct does not constitute Councillor inappropriate conduct or misconduct. The conduct relates to Council employees and/or decisions of Council.
27-May-19	It was alleged that a Councillor phoned a member of the public and engaged in an abusive discussion. It was further alleged that following the phone conversation, the complainant saw an individual which they believe was the Councillor, drive past and inspect their house with another member of the public.	The OIA decided to dismiss the complaint pursuant to Section 150X(c)(ii). It was determined that the Councillor had contacted the complainant in relation to a media article, and not without reason as indicated in the original complaint. Further, on the basis of a lack of independent corroboration, it was considered an unjustifiable use of resources to further investigate the matter.

Date of the Complaint	Details	Decision/Outcome
4-Feb-19	It was alleged that a Councillor failed to appropriately declare a conflict of interest during an ordinary business meeting.	The OIA delegate for the independent assessor decided to take no further action pursuant to s150Y(b)(iii) in that taking further action would be an unjustifiable use of resources. More information could have been provided by the Councillor in disclosing his conflict of interest, however the nature of the conflict was minor and it is unlikely that further disclosure would have changed any decision of Council on the day, as such it is not a practical use of OIA investigative resources.
16-Jan-19	It was alleged that a Councillor failed to declare a real or perceived conflict of interest at Council's Ordinary Meeting held on 11 October 2018 dealing with an agenda item regarding a Development Application.	The OIA decided to dismiss the complaint pursuant to Section 150Y(b)(i) on the basis that the conduct does not constitute inappropriate conduct or misconduct. Following an investigation, it was concluded that the Councillor's personal interest in the matter was not significant enough to constitute a conflict of interest or material personal interest.
4-Dec-18	It was alleged that: - a Councillor failed to declare a conflict of interest in relation to donations received for the Councillor's 2016 electoral campaign; and - a Councillor attempted to influence the voting of other Councillors by failing to disclose a real or perceived conflict of interest.	The OIA delegate made the decision to dismiss the complaint pursuant to section 150X(b)(ii) following a full investigation and on the basis that the evidence did not support the allegations.
15-Nov-18	It was alleged that a Councillor failed to properly declare a personal interest at a Council meeting held on 8 November 2018.	The OIA delegate made the decision to dismiss the complaint pursuant to section 150X of the Act and also to take no further action in relation to the complaint pursuant to section 150Y of the Act.

Date of the Complaint	Details	Decision/Outcome
13-Nov-18	<p>It was alleged that a Councillor:</p> <ul style="list-style-type: none"> - failed to properly declare a conflict of interest relating to donations to their 2016 election campaign; - failed to update their register of interest to reflect the donations; and - attempted to influence the voting of other Councillors. 	<p>The OIA delegate made the decision to dismiss the complaint pursuant to section 150X(a)(ii) following a full investigation and on the basis that the evidence did not support the allegations.</p>