



# Record of Written Complaints about Councillor Conduct or Performance 2017 – 2022

## RECORD OF WRITTEN COMPLAINTS ABOUT COUNCILLOR CONDUCT OR PERFORMANCE 2017 – 2022

Section 181A of the Local Government Act 2009 states with regard to conduct performance of councillors that the Chief Executive Officer must keep a record of all complaints received and the outcome of each complaint, including any disciplinary action or other action taken in relation to the complainant. Subsection (2) requires that the public may inspect the part of the record that relates to outcomes of the complaints at the local government's public office or on the local government's website.

Date Notice Given	Details of Complaint	Category (Inappropriate Conduct, Misconduct)	Referral	Outcome
13 October 2019	It was alleged that a Councillor engaged in misconduct by failing to comply with Local Law No 2 - Animal Management Act 2008.			Following an investigation, pursuant to section 150W(1)(b) of the Local Government Act 2009, the OIA referred the suspected inappropriate conduct to Council which continued the investigation in accordance with PSC Councillor Investigation Policy and the Local Government Act 2009. After resolving the subject of the complaint, Council made an order reprimanding the Councillor for the conduct accordingly to section 150AH(1)(b)(ii) of the Local Government Act 2009.
17 November 2020	It was alleged that a Councillor did not declare a perceived or actual conflict of interest, namely ownership of a small businesses, during workshops or the General Meeting of Council when the new Procurement Policy was adopted.			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 Having reviewed the terms of the Procurement Policy it was noted that the intent of the procurement policy was to address council's contracts and tender arrangements, conferring a benefit on local suppliers for this purpose. The business relationship between the councillor's business and council was originally limited to ad hoc purchases and there had been no tender process. A decision was made sometime between 2018-2019 by council to put out a tender at which point the councillor submitted a tender and declared an interest and left subsequent meetings where the policy was raised. No evidence was located that showed that the councillor had taken part in a tender process before 2018-19 or that in the 2018 consideration of the policy, this was reasonably anticipated.



## Record of Written Complaints about Councillor Conduct or Performance 2017 – 2022

10 September 2019	It was alleged that a councillor may have breached the Code of Conduct for Councillors in Queensland when he approached and made comments to a contractor who was working on a council building.	Inappropriate Conduct		Dismissed. The OIA resolved to take no further action pursuant to section 150Y(b)(i) of the Local Government Act 2009 after obtaining a version of the events from the contractor involved. The conduct did not amount to inappropriate conduct.
22 April 2020	It was alleged that a Councillor entered into a deed with the former CEO without a council resolution.	Unjustifiable Use of Resources		Dismissed. Following an investigation the OIA dismissed this matter pursuant to section 150X (C)(ii) of the Local Government Act 2009 as an unjustifiable use of resources. Whilst the appropriate course would have been to discuss the matter with and formally obtain approval from Council before signing any deed, it is noted that the settlement under the deed was not released until after a unanimous council resolution.
20 May 2020	It was alleged that a Councillor directed a council employee in writing to bring “stock route” decision-making to council and that they had a personal interest in matters relating to stock routes.			Dismissed. Following an investigation, the OIA dismissed this matter pursuant to section 150X (C)(ii) of the Local Government Act 2009 (the Act) as not being in the public interest to investigate further. Under the Act, councillors also have a responsibility to deliver good governance and service pursuant to sections 4(2)(b)&(d) and it could be argued that on this occasion they were balancing considerations consistent with the Local Government Principles, which required them to act in the circumstances.
13 October 2020	It was alleged that a Councillor did not declare a perceived or actual personal interest, namely ownership of a small businesses, during workshops or the General Meeting of Council when the new Procurement Policy was adopted.			Following an investigation 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. Having reviewed the terms of the Procurement Policy it was noted that the intent of the procurement policy was to address councils contracts and tender arrangements, conferring a benefit on local suppliers for this purpose. The business relationship between the councillor’s business and council in this instance was limited to ad hoc purchases only and the business was not of kind that they would be entering into procurement processes with council.



## Record of Written Complaints about Councillor Conduct or Performance 2017 – 2022

13 October 2020	It was alleged that a Councillor did not declare a perceived or actual personal interest, namely ownerships of small business/franchise, during workshops or the General Meeting of Council when the new Procurement Policy was adopted.			Following an investigation 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. Having reviewed the terms of the Procurement Policy it was noted that the intent of the procurement policy was to address councils contracts and tender arrangements, conferring a benefit on local suppliers for this purpose.