



## **Councillor Conduct Register**

**(Pursuant to Section 150DX of the Local Government Act 2009)**

The purpose of this register is to record the decisions/outcomes of investigations against Councillors under Chapter 5A (sections 150DX, 150DY and 150DZ) of the Local Government Act 2009.

The local government must keep an up to date Councillor Conduct Register about the following matters:

- Orders made about the unsuitable meeting conduct of Councillors at local government meetings;
- Decisions about suspected inappropriate conduct of Councillors referred to the local government;
- Decisions about whether or not Councillors have engaged in misconduct made by the Councillor Conduct Tribunal;
- Complaints about the conduct of Councillors dismissed by the Independent Assessor; and,
- Decisions to take no further action in relation to the conduct of Councillors investigated by the Independent Assessor.

Also note obligations required as per sections 150DY and 150DZ on entries to the register relating to names of Councillors being published.

In accordance with s150DX(2), this Register is to be published on Council's website and available for inspection by the public at Council.

Complaint Reference(s)	Date of Complaint	Subject Councillor*	Summary of Complaint	Category of Conduct#	Decision Maker	Date of Decision	Summary of and Reasons for the Decision
F19/6509	15/05/19	Cr John Collins	<p><b>Allegation 1:</b> The Tribunal determined, on the balance of probabilities, that the allegation that on 1 May 2019, Councillor John Collins, a councillor of the Whitsunday Regional Council engaged in misconduct as defined in section 150L(1)(c)(iv) of the Local Government Act 2009 (the Act), in that the conduct contravened section 171(3) of the Act, as it involved the release of information that the Councillor knew, or should reasonably have known, was information confidential to the local government, <b>has been sustained.</b></p> <p><b>Allegation 2:</b> The Tribunal determined on the balance of probabilities that the allegation that on 1 May 2019, Councillor John Collins, a councillor of the Whitsunday Regional Council, 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 his as a councillor when he knowingly or recklessly provided incorrect information to Ms Denise Hadley about a council vote to appoint a councillor to the vacant Division 4 councillor position and that in doing so he breached the local government principle in section 4(2)(e) of the Act <b>has not been sustained.</b></p>	Misconduct	Councillor Conduct Tribunal (CCT)	28/01/20	<p><b>Allegation 1:</b> The Councillor Conduct Tribunal (CCT) decided pursuant to s150AQ(1) of the Act that Councillor Collins has engaged in misconduct and has made the following orders or recommendations pursuant to s150AR(1)(b) that:</p> <ol style="list-style-type: none"> <li>Councillor Collins make a public admission at an Ordinary Meeting of the Whitsunday Regional Council, that he engaged in misconduct, within 60 days of the date a copy of this order is provided to him by the Registrar, pursuant to section 150AR(1)(b)(i);</li> <li>Councillor Collins attend training or counselling, at the expense of the Councillor, to address the Councillor's conduct, and how not to repeat the misconduct within 90 days of the date of this order. The CEO is to report to the Independent Assessor at the end of the 90 days, confirming that such counselling has been undertaken (s150AR(1)(b)(i));</li> <li>Councillor Collins pay Whitsunday Regional Council the amount of \$300.00, to be paid within 60 days from the date a copy of this Order and a copy of the Reasons for Decision were provided to him by the Registrar, pursuant to section 150AR(1)(b)(iv) of the Act.</li> </ol> <p><b>Allegation 2:</b> The Tribunal decided pursuant to s150AQ(1) that Councillor Collins has not engaged in misconduct and no further action is to be taken in relation to this matter.</p>

**Key:**

*	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).
#	Categories as determined in the Code of Conduct for Councillors in Queensland.

Complaint Reference(s)	Date of Complaint	Subject Councillor*	Summary of Complaint	Category of Conduct#	Decision Maker	Date of Decision	Summary of and Reasons for the Decision
C/19/00859	11/10/19	-	It is alleged a Councillor may have attempted to delay a Council infrastructure project due to a personal conflict with a resident.	n/a	Office of the Independent Assessor (OIA)	29/10/19	The OIA dismissed the complaint pursuant to section 150X(a)(ii) of the Act as the conduct does not constitute inappropriate conduct or misconduct. It was established the Councillor has no input into the scheduling of capital works for council projects which is operationally managed by the Chief Executive Officers office.
C/19/00495	03/05/19	-	It is alleged that after a council meeting, a Councillor directed a rude gesture towards another Councillor and that this might amount to Inappropriate Conduct.	n/a	Council	02/07/19	The Mayor and CEO held discussions with the complainant and the subject of the complaint. The complaint was not substantiated. The complainant offered an apology and withdrew the complaint.
C/19/00512	08/05/19	-	It is alleged that a Councillor was disrespectful and threatened a member of the public regarding issues at their property.	n/a	Office of the Independent Assessor (OIA)	27/06/19	The OIA decided to take no further action in relation to the complaint pursuant to Section 150Y(b)(iii) on the basis that taking further action would be an unjustifiable use of resources. The subject Councillor disputed the allegation and a council officer involved in the ongoing issues at the property in question did not support the allegations.
C/19/00479-480	02/05/19	-	It is alleged that in voting to fill a vacant Councillor position, a Councillor endorsed the successful candidate prior to assessing all candidates. It is further alleged that Councillors had a conflict of interest in voting to the vacant Councillor position.	n/a	Office of the Independent Assessor (OIA)	29/05/19	The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. The information available did not raise a reasonable suspicion of a conflict of interest between Councillors and the successful candidate. Further, additional information provided by Council indicated that the vote was carried 6-nil as a resolution of Council, as communicated to the public following the vote.

**Key:**

*	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).
#	Categories as determined in the Code of Conduct for Councillors in Queensland.

Complaint Reference(s)	Date of Complaint	Subject Councillor*	Summary of Complaint	Category of Conduct#	Decision Maker	Date of Decision	Summary of and Reasons for the Decision
C/19/00474-476	02/05/19	-	It is alleged that Councillors had a conflict of interest in voting to fill a vacant Councillor position and advised the public that a 6-nil unanimous vote had occurred, rather than the actual 4-3 vote.	n/a	Office of the Independent Assessor (OIA)	29/05/19	The OIA decided to dismiss the complaint pursuant to Section 150X(a)(ii) on the basis that the conduct did not constitute inappropriate conduct or misconduct. The information available did not raise a reasonable suspicion of a conflict of interest between Councillors and the successful candidate.
OIA Reference C/18/00343	17/12/18	-	It is alleged that a Councillor failed to update their register of interests in the required timeframe after receiving hospitality from a developer.	n/a	Office of the Independent Assessor (OIA)	28/05/19	The OIA delegate took no further action in relation to the matter pursuant to Section 150Y(b)(i) as the councillor was able to clearly demonstrate that they did not in fact receive the hospitality alleged and as such the Councillor's register of interest was correct.
OIA References C/19/00483-488	02/05/19	-	It is alleged that following a vote to fill a vacant Councillor position, Councillors advised the public that a 6-nil unanimous vote had occurred, rather than the actual 4-3 vote.	n/a	Office of the Independent Assessor (OIA)	20/05/19	The OIA decided to dismiss the complaint pursuant to section 150X(a)(ii) on the basis that the conduct was not inappropriate conduct or misconduct. Additional information provided by Council indicated that the vote was carried 6-nil as a resolution of Council, as communicated to the public following the vote.
OIA References C/19/00458 and C/19/00460-464	01/05/19	-	It is alleged that in voting to fill a vacant Councillor position, Councillors awarded the position to an allegedly unqualified applicant.	n/a	Office of the Independent Assessor (OIA)	20/05/19	The OIA decided to dismiss the complaint pursuant to Section 150X(c)(i) on the basis that dealing with the complaint would not be in the public interest. Following lodgment of the complaint, the complainant in the matter requested that their complaint be withdrawn.

**Key:**

*	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).
#	Categories as determined in the Code of Conduct for Councillors in Queensland.

# Councillor Complaints Register

The Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018 (Councillor Complaints Act) primarily amended the Local Government Act 2009 (LGA) to implement the Government's response to the Independent Councillor Complaints Review Panel's Report 'Councillor Complaints Review: A fair, effective and efficient framework' to deliver a simpler, more streamlined and transparent system for making, investigating and dealing with Councillor complaints and conduct in Queensland.

The new Councillor complaints system came into operation on 3 December 2018 when the remaining provisions of the Councillor Complaints Act and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018 commenced by Proclamation.

Prior to 3 December 2018, Councillor complaints were managed in accordance with Chapter 6, Part 2, Division 6 (Conduct and Performance of Councillors) of the Local Government Act 2009. This Division in the Act has since been repealed following the introduction of the new Councillor complaints system on 3 December 2018.

This register is for complaints made prior to changes to the Local Government Act 2009 commencing 3 December 2018 under the former system.

Reference	Date Received	Details of Complaint*	Referral	Parties advised of outcome	Summary of Allegation	Outcome
2018/03	23/07/2018	-	Dept Local Govt, Racing & Multicultural Affairs (DLGRMA)	19/11/2018	That on a number of unidentified dates in 2017, the Councillor requested that the Manager, Strategic Planning provide information to the Councillor regarding the performance of the Manager's supervisor and that this constituted misconduct as defined in Section 176(3) of the Act.	Referred to Chief Executive of DLGRMA who found that the allegation of misconduct under Section 176(3) of the Act was NOT SUSTAINED. Consequently, no orders were made.
2018/02	22/06/2018	Inappropriate Conduct by Councillor Jan Clifford	Mayor	16/07/2018	That the Councillor supported via the provision of a reference, a person charged with being in receipt of a large quantity of Marijuana plants, and that such support is not in the best interests of Whitsunday Regional Council and brought Council into disrepute.	Preliminary assessment of inappropriate conduct CONFIRMED. Mayor orders that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.
2018/01	22/06/2018	-	Mayor	16/07/2018	Breached Council's social media policy and Councillor Code of Conduct by publishing a council resolution and inaccurate and misleading excerpt of report during the Council meeting where the matter was being considered.	Preliminary assessment of inappropriate conduct NOT CONFIRMED. Whilst the allegation was acknowledged by the Councillor, the Mayor determined that the matter did not satisfy s176(4) of the Local Government Act as inappropriate conduct, and no disciplinary order was required. Mayor has asked CEO to revise the Social Media Policy for clarity and familiarise the Councillor with the media policies and Code of Conduct.
2017/01	01/12/2017	Inappropriate Conduct by Councillor Jan Clifford	Mayor	11/12/2017	Made inappropriate and offensive comments to council staff about another member of council staff.	Preliminary assessment of inappropriate conduct CONFIRMED. Mayor orders that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.

**Key:**

*	Only included in circumstances where the allegation was confirmed or sustained on assessment.
---	---